

Chapter 235

DEVELOPMENT CODE

GENERAL REFERENCES

Heritage Trust — See Ch. 61.	Mobile home parks — See Ch. 370.
Building construction — See Ch. 210.	Sewers and water — See Ch. 450.
Floodplain management — See Ch. 275.	Stormwater management — See Ch. 465.
Forest conservation — See Ch. 280.	Subdivision of land — See Ch. 475.
Grading and sediment control — See Ch. 297.	Wellhead protection — See Ch. 524.
Growth management — See Ch. 302.	Fees — See Ch. A550.

ARTICLE I
General Provisions

§ 235-1. Title; scope.

This chapter shall be known and may be cited as the "City of Aberdeen Development Code" and supersedes Ordinance No. 254. The Development Code shall include the text, the Official Zoning Maps, Subdivision Regulations, Sign Code, overlay district regulations, architectural review guidelines, and any future amendments thereto and function as the Development Code for the City of Aberdeen. In addition to the documents set forth above, compliance with the following codes may be required if applicable: Floodplain Management Code, Wellhead Protection Ordinance, Forest Conservation Code, Grading and Sediment Control Code, and Stormwater Management Code.¹

§ 235-2. Legislative authority; Zoning Maps.

This chapter is adopted pursuant to the Local Government and Land Use Articles of the Annotated Code of Maryland and the City Charter. The Zoning Maps of the City shall be the official maps adopted by legislative action.

§ 235-3. Purpose.

The purpose of this chapter is to protect the public health, safety, and general welfare of the City by regulating the use of the land, building/structure height and size, lot coverage, lot requirements (size, yards, courts, and open space), building/structure location and use locations (business, industrial, residential, etc.). It is also the purpose of this chapter to preserve property values, ensure harmonious and compatible uses, ensure good civic design and harmony and adequate parks, prevent congestion, and promote sound planning principles to prevent undue crowding and to protect the character of each district throughout the City. The provisions of this chapter shall be administered to ensure orderly growth and development and shall supplement and facilitate the provisions in the Comprehensive Plan.

§ 235-4. Applicability; conversion of buildings.

- A. This chapter shall apply to all lands, structures, buildings, properties, and their uses within the territorial limits of the City, including land owned or leased by the City, and to all owners of land and the tenants or occupants thereof, including land owned by the county, state, and the federal government.

1. **Editor's Note:** See Ch. 475, Subdivision of Land, Ch. 456, Signs, Ch. 275, Floodplain Management, Ch. 524, Wellhead Protection, Ch. 280, Forest Conservation, Ch. 297, Grading and Sediment Control, and Ch. 465, Stormwater Management.

- B. Conformance required. Except as specified in this chapter, no land, building, structure or premises shall hereafter be used or occupied, and no building or part thereof or other structure shall be located, relocated, erected, reconstructed, extended, enlarged, converted, or altered, except in conformance with this chapter, the Subdivision Regulations, and overlay district regulations and design requirements and upon the issuance of a building permit and/or certificate of use and occupancy.
- C. Conversion of a building. The conversion of a building to a different or expanded use or into a dwelling, or the conversion of a dwelling so as to accommodate an increased number of dwelling units, shall be permitted only within a zoning district in which a new building for similar occupancy or use would be permitted under this chapter and only when the resulting occupancy or use will comply with the requirements governing in such zoning district.
- D. Unsafe building or structure. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of all or any part of any building or structure declared unsafe by any agency or official having authority to make such a determination.

§ 235-5. Interpretation.

The provisions of this chapter shall be interpreted and applied as the minimum standards for the promotion and protection of public health, safety, and welfare.

§ 235-6. Severability.

If any section, subsection, paragraph, sentence or phrase of this chapter or any portion of the Zoning Map is held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining parts thereof.

§ 235-7. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meaning herein indicated. Where this chapter refers to Transit Oriented Development Illustrations, Maps and Regulating Plan, those illustrations, maps and regulating plan are set forth in § 235-42 and incorporated by reference.

ABANDON — The relinquishment of the right to use or the cessation of the lawful use of a property for a period of one year. Use of property for purposes other than that permitted under this chapter shall not affect or extend the period of abandonment.

ABUT — To adjoin, physically touch, border upon or share a common property line.

ACCESS — An unobstructed way to provide entry to or exit from a property.

ACCESSORY STRUCTURE OR USE — A structure or use of land, or portion thereof, customarily incidental and subordinate to the principal use of the land or building and located on the same lot or parcel of land with such principal use.

ADULT BOOKSTORE or ADULT ENTERTAINMENT CENTER — An entity or establishment that, as its principal business purpose, offers for sale, rental, exhibition or viewing any printed, recorded, digitally analogued or otherwise viewable matter, any kind of sexual paraphernalia or any kind of live performance, entertainment or exhibition that depicts, describes or relates to sexual conduct, sexual excitement or sadomasochistic abuse. For purposes of this definition, "sexual conduct" means human masturbation, sexual intercourse, or the touching of or contact with genitals, pubic area or buttocks of a human or the breasts of a female, whether alone or between members of the same or opposite sex, or between humans and others; "sexual excitement" means the condition of human genitals, or the breasts of a female, when in a state of sexual stimulation, or the sensual experiences of humans engaging in or witnessing sexual conduct or nudity; and "sadomasochistic abuse" means flagellation or torture by or upon a human who is nude, or clad in undergarments, or in a revealing or bizarre costume, or the condition of one who is nude, or clad in undergarments, or in a revealing or bizarre costume, or the condition of one who is nude or so clothed and is being fettered, bound or otherwise physically restrained. "Adult entertainment center" includes an adult bookstore.

AGE-RESTRICTED ADULT HOUSING — A development that contains independent dwelling units with full kitchens that is designed for and restricted to occupancy by households having at least one member who is 55 years of age or older. An exception is allowed for up to five years following the death or departure, due to incapacity, of a household member 55 years or older, provided that a surviving household member who is at least 50 years old continues to live in the unit. Children less than 18 years of age shall not reside in a dwelling unit for more than a total of 90 days per calendar year. "Age-restricted adult housing" may include related facilities or services for the residents, such as social, recreational or educational facilities and housekeeping, security, transportation or personal services.

AGRICULTURE — The production, keeping or maintenance, for sale or lease, of plants and animals, including but not limited to fish hatcheries; forage and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental, and greenhouse products; the necessary accessory uses for processing, packing, treating, or storing of agricultural products; and the maintenance of farm equipment.

ALLEY — A public or private way primarily designed to serve as secondary and/or service access for vehicles to the side or rear of abutting properties whose principal frontage is on another street. (See "lane.")

ANNEXATION — A process by which the City expands its corporate boundaries to include land that previously was located in an unincorporated area of the county, pursuant to the Local Government Article of the Annotated Code of Maryland.

ARCADE — A business establishment containing three or more video, pinball, or similar player-operated amusement devices in any combination for commercial entertainment uses.

ARCHITECTURAL REGULATIONS — Structural and design standards for buildings and structures adopted by the City.

ASSISTED LIVING FACILITY — A facility that provides supervision, monitoring, and/or assistance with activities of daily living for elderly or disabled persons in a residential setting that meets the standards and licensing requirements of the Annotated Code of Maryland, COMAR and any regulatory agencies.

AUCTION HOUSE — A building and property appurtenant thereto used for the public sale of goods or property (but excluding agriculture, including but not limited to livestock) by open bid to the highest bidder, provided that the public sale of goods or property is done predominately within an enclosed structure.

AUTOMOTIVE REPAIR SHOP — A business, service, or industry engaged in the maintenance, servicing, repair, or painting of motor vehicles.

AWNING — A roof-like cover often made of fabric, metal, or glass designed and intended for protection from weather or as a decorative embellishment and which projects from a wall or roof of a structure over a window, walk, door or the like.

BACK OF CURB — The seam between the curb and the sidewalk.

BASEMENT — A story having 1/2 or more of its floor-to-ceiling height below the average level of the adjoining ground and with a floor-to-ceiling height of not less than 6 1/2 feet. When used as a separate dwelling, a basement shall be counted as a story for the purpose of height measurement.

BED-AND-BREAKFAST INN — An owner-occupied building designed, used and occupied as a single-family residence, having as an accessory use therein public lodging and facilities for serving food and drink to guests.

BOARD OF APPEALS — The Board of Appeals is established pursuant to the Land Use Article of the Annotated Code of Maryland. The Board of Appeals is authorized to grant variances, special exceptions, and appeals of Zoning Administrator interpretations.

BODY PIERCING SERVICE — A skin-penetrating adornment procedure which involves piercing or entering the skin or mucus membrane of an individual for the purpose of inserting jewelry or other forms of body decoration. Body piercing includes skin-penetrating body procedures but does not include piercing of an earlobe.

BREW PUB — A restaurant with a state-issued Class 6 pub-brewery license as an accessory use, where the beer it produces is sold in draft form

exclusively on its own premises. This operation may sell other suppliers' beer, including other hand-crafted or microbrewed beers, as well as wine to patrons for consumption on its premises. Off-sale of alcoholic beverages shall be limited to beers brewed on site.

BUFFER YARD — A portion of a lot, in addition to the setback requirements, improved with landscaping, earth berms or fences and designed to limit continuously the view of and/or sound from the site to adjacent sites or properties.

BUILDING — Any structure having a roof supported by columns or walls and intended for shelter, housing, storage, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

BUILDING CONFIGURATION — Within the Transit Oriented Development Districts, the form of a building, based on its mass, private frontage, and height.

BUILDING COVERAGE — That portion of a lot which is covered by buildings and structures.

BUILDING DISPOSITION — Within the Transit Oriented Development Districts, the placement of a building on its lot. (See Illustration 21, Building Disposition.)

BUILDING FRONTAGE — Within the Transit Oriented Development Districts, the area between building façades and the vehicular lanes, inclusive of the areas built and planted components. (See Illustration 22, Building Frontages.)

BUILDING HEIGHT — The vertical distance to the highest point of the roof shall be measured from the finished grade at the front of the building. In the TOD District, the building height is measured in stories and vertical distance with a minimum and maximum building height and story height. (See Illustrations 30-32, Height.)

BUILDING LINE — Applicable to all zoning districts with the exception of the Transit Oriented Development Districts, the line which is located at the front yard setback of a lot and at which the required lot width for the district is met.

BUILDING, PRINCIPAL — Any building which serves as a principal permitted use. Any buildings or structures attached to the principal building, either directly or by breezeway, shall be considered part of the principal building.

BUILDING TYPE — A structure category determined by function, configuration, including frontage.

BUILD TO LINE — Within the Transit Oriented Development Districts, a line parallel to the property line where the facade of the building is required to be located. The abbreviation "BTL" shall mean build to line.

BUSINESS INCUBATOR — A facility dedicated to the start up and growth of small businesses, accomplished through management and facility support systems. For the purposes of this definition, "management support" includes

access to professional advice, information on small business relations, management, advertising, promotion, marketing sales, inventory, employees, labor relations, and financial counseling. "Facility support systems" include clerical and reception staff, cleaning, building security, access to copy and facsimile machines, computers, faxes, and other electronic equipment.

BUSINESS SERVICE — An establishment primarily engaged in rendering services on a fee or contract basis to the business, commercial, industrial, or institutional community, such as advertising and mailing, business maintenance, employment service, management and consulting services, travel agent, protective services, equipment rental and leasing, commercial research, development and testing, photo finishing, quick print shop, and personal supply services but not including retail sales to the general public in excess of 20% of the gross floor area. Such retail sales area shall only be a secondary and subordinate ancillary activity.

CANOPY — A roof-like structure, other than an awning, which projects from a wall of a building and extends along all or a majority of the wall's length to provide shelter over an entryway or walkway.

CARPORT — Any space outside a building and contiguous thereto, wholly or partly covered by a roof, and used for the shelter of motor vehicles. A carport must have a minimum of three open sides.

CAR WASH — A structure, or portion thereof, containing facilities for the commercial washing of motor vehicles by hand or by using production-line, automated or semiautomated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning or similar mechanical devices.

CATERING — A service providing meals and/or refreshments for public or private entertainment for a fee.

CHANGE OF USE — Any use which differs from the previous use of a building or land.

COMMERCIAL AMUSEMENT, ENTERTAINMENT AND RECREATION — Establishments providing commercial amusement, entertainment, or recreation, including, but not limited to, arcades, bingo parlors, bowling alleys, golf courses, gymnasiums, health clubs, indoor rifle ranges, martial arts clubs and schools, miniature golf courses, swimming pools, pool halls, skating rinks, tennis and racquetball clubs, sports camps, music venues, movie theaters, live theaters, etc.

COMMERCIAL VEHICLE — Any self-propelled or towed vehicle used on public roadways to transport passengers or property when:

- A. The vehicle has a gross vehicle weight of 10,001 pounds or more; or
- B. The vehicle is designed to transport more than 15 passengers, including the driver; or
- C. The vehicle is used in the transportation of hazardous materials in a quantity requiring placarding in accordance with the hazardous

materials regulations of the United States Department of Transportation; or

- D. A single, full, or semi-trailer with a manufacturer's gross vehicle weight rating over 6,000 pounds.

COMMUNICATIONS USE AND/OR STRUCTURE — A use provided by or a structure utilized by a public service utility or commercial public telecommunications service to provide commercial public telecommunications services. A telecommunications structure may include a tower, monopole, and other antenna support structure or equipment buildings. "Telecommunications use and/or structure" does not include noncommercial applications, such as amateur radio operations. "Telecommunications use and/or structure" does not include those uses or structures that are accessory to and solely used by an individual business.

- A. ANTENNA — Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels and microwave dishes, and omnidirectional antennas, such as whips and satellite dishes, but not including satellite earth stations.
- B. MONOPOLE — A single, self-supporting, pole-type structure tapering from base to top and supporting a fixture designed to hold one or more antennas. For the purpose of this chapter, a monopole shall not be deemed to be a transmission tower.
- C. TRANSMISSION TOWER — A lattice-type structure, guyed or self-supporting, used to support antennas. Also called a "communication tower" or "radio tower."

COMMUNITY CENTER — A place, structure, area, or other facility used for and providing fraternal, cultural, social, educational or recreational programs or activities, or swimming pools, tennis courts and similar facilities of a homeowners' association, open to the public or a designated part of the public, and which may be publicly or privately owned.

COMPREHENSIVE PLAN — A planning document adopted by the City Council upon recommendation from the Planning Commission and pursuant to the Land Use Article of the Annotated Code of Maryland which serves as a guide to public and private actions and decisions and includes goals and objectives, land use plan, transportation plan, community facilities plan, sensitive area plan, and the general location and the extent of public utilities and other facilities.

CONCEPT PLAN — A preliminary presentation and attendant documentation of a proposed subdivision or site plan of sufficient accuracy to be used as a basis for discussion and classification.

CONDOMINIUM — An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a residential building, such as an apartment.

CONSTRUCTION SERVICES AND SUPPLIERS — Establishment for the installation and servicing of such items as air conditioners, electrical equipment, flooring, heating, painting, plumbing, roofing, tiling, and ventilation; establishment for the planting and maintenance of gardens, grounds and yards, such as landscape contractors and lawn maintenance services; and construction and demolition services. Outdoor storage of equipment, supplies, and construction trailers is permitted in a contractor service establishment, provided that such is fully screened from public roads and adjacent lots.

CONTIGUOUS — Parcels of land touching, abutting, or adjoining at a common border or boundary, and, in the case of annexation, immediately across the street.

CONTINUING CARE RETIREMENT COMMUNITY — A building or group of buildings providing a continuity of residential occupancy and health care for elderly persons. This facility includes dwelling units for independent living, assisted living facilities, plus a skilled nursing care facility of a suitable size to provide treatment or care of the residents. It may include ancillary facilities for the further employment, service, or care of the residents. The facility is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older. Such facilities must meet all requirements of the State of Maryland.

CONVENIENCE RETAIL ESTABLISHMENT — Retail establishment of less than 5,000 gross square feet that sells food, beverage, and other consumer items.

COURTYARD — A fully or partially enclosed area which admits unobstructed light and air, bounded on two or more sides by buildings, walls or other enclosing devices, sometimes between one or more developments. (See Accessible Courtyards, Illustration 27, Open Space Types.)

COURTYARD BUILDING — Within the Transit Oriented Development Districts, a building that occupies the boundaries of its lot while internally defining one or more private patios. (See Courtyard, Illustration 21, Building Disposition.)

CURB — The edge of the vehicular pavement that may be raised or flush to the pavement.

DAY SPA — A business which provides multiple types of services for the purpose of improving health and beauty through personal care treatments.

DAY-CARE CENTER (GROUP) — A person, agency, or institution licensed by the State of Maryland to provide group care in a residence for between nine and 12 adults or children who do not all have the same parentage, or care of 13 or more adults or children in facilities other than a private home setting, for a portion of a day and on a regular schedule more often than once a week.

DAY-CARE HOME (FAMILY) — A person, agency, or institution licensed by the State of Maryland to provide day care for no more than eight unrelated

individuals in a residence for a portion or all of a day and on a regular schedule more often than once a week.

DECK — An exterior floor supported by an adjacent structure and/or by post, piers or other supports.

DENSITY — For purposes of this chapter, the amount of development allowed on a lot or parcel, expressed in residential districts as the number of dwelling units per gross acre of land to be developed.

DEVELOPMENT — The construction, reconstruction, conversion, erection, alteration, relocation or enlargement of any building or structure; any excavation, landfill, or land disturbance; the division of a parcel of land into two or more parcels; and any use or extension of the use of land.

DEVELOPMENT STANDARDS — Regulations and requirements addressing specific needs and concerns for provisions of facilities, protection of environmental and other resources, and fulfillment of goals of the City of Aberdeen Comprehensive Plan. These are in addition to the specific regulations for each individual zoning district.

DORMITORY — A residence hall providing rooms for unrelated individuals or groups.

DRIVE-THROUGH FACILITIES — Establishments that, by design, physical facilities or services provided, encourage or permit said customers to receive services or obtain goods while remaining in their motor vehicles.

DWELLING — Any building or portion thereof occupied or intended to be occupied exclusively for residential purposes, but not including a tent, recreation vehicle, a room in a hotel or motel, or a bed-and-breakfast.

- A. DWELLING, ACCESSORY APARTMENT — A second dwelling unit either within, or added to, a single-family detached dwelling, or in a separate accessory structure on the same lot as the principal dwelling, that functions as a complete, independent living facility with provisions for independent cooking, living, sleeping, and bathroom facilities.
- B. DWELLING, DETACHED, SINGLE-FAMILY — A dwelling unit which is not attached to any other dwelling units by any means.
- C. DWELLING, DUPLEX — A building containing two dwelling units, which do not share a common entry, on a single lot.
- D. DWELLING, GARDEN APARTMENT — A building containing four or more dwelling units sharing a common entry with no more than three stories.
- E. DWELLING, HIGH-RISE APARTMENT — A building containing eight or more dwelling units, containing at least six stories, with a common entry.
- F. DWELLING, MID-RISE APARTMENT — A building containing eight or more dwelling units sharing a common entry with four or five stories.

- G. DWELLING, MOBILE HOME — A manufactured home built to the Manufactured Home Construction and Safety Standards (HUD code) that displays a red certification label on the exterior of each transportable section and is built on a steel frame on a chassis without a permanent foundation.
- H. DWELLING, MODULAR — A transportable structure built per the International Code Council standards in one or more sections, designed to be used as a dwelling on a permanent foundation or slab.
- I. DWELLING, TOWNHOUSE — A building containing three or more attached dwelling units in a row having individual access from the front and rear of the dwelling.
- J. DWELLING UNIT — A dwelling designed for one or more individuals who function as a single household unit.
- K. DWELLING, ZERO LOT LINE — A building on a single lot containing one dwelling unit located with one side lot line a minimum of 18 inches.

EASEMENT — An interest in land owned by another that entitles its holder to a specific limited use or enjoyment.

EDGEYARD BUILDING — Within the Transit Oriented Development Districts, a building that occupies the center of its lot with setbacks on all sides. (See Edgelyard, Illustration 21, Building Disposition.)

EGRESS — An exit.

ENTRANCE, PRINCIPAL — The main point of access of pedestrians into a building.

ENVIRONMENTAL SITE DESIGN (ESD) — The use of small-scale stormwater management practices, nonstructural techniques, and better site planning to mimic natural hydrologic runoff characteristics.

EXISTING USE OR USES — The lawful use or uses of a building, lot, or structure at the time of the enactment of this chapter.

EXPRESSION LINE — Within the Transit Oriented Development Districts, a line prescribed at a certain level of a building for the major part of the width of a façade, expressed by the variation in material or by a limited projection such as a molding or balcony. (See Illustration 43, Expression Line.)

FACADE — The exterior wall of a building that is set along a frontage line.

FAMILY UNIT — An individual or group of individuals who live together as one economic unit.

FLOODPLAIN — Any land area susceptible to being inundated by floodwaters from any source.

FLOOR AREA, GROSS — The sum of the gross horizontal areas of all floors of a building measured from the exterior face of exterior walls or from the center line of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles or any space where the floor-to-ceiling height is less than six feet.

FORTUNE-TELLING — A person or group of persons who engage in the practice of or profess to practice the business or act of astrology, phrenology, life reading, intuitive counseling, fortune-telling, handwriting analysis, clairvoyance, crystal gazing, palmistry, numerology, reading of tarot or similar cards or use of other similar occult powers for any form of compensation.

FRONTAGE — Any and all sides of a lot abutting on a street. (Within the Transit Oriented Development Districts, see Illustration 22, Building Frontages.)

FRONTAGE COVERAGE — The minimum percentage of the length of the frontage that must be occupied by the front façade of the primary buildings.

FRONTAGE LINE — Those lines that coincide with the public frontage.

FUEL STORAGE FACILITY — Any premises where diesel, gasoline, heating oil, propane, natural gas, or other similar products are stored in bulk for the purpose of sale or distribution. A gasoline station is not considered a fuel storage facility for purposes of this chapter.

GALLERY — A frontage wherein the façade is aligned at the build to line with an attached cantilevered shed or a lightweight colonnade overlapping the sidewalk. (See Illustration 22, Building Frontages.)

GARAGE, ATTACHED — An attached accessory building or portion of a main building designed, arranged, or used primarily for the housing or storage of private motor vehicles.

GARAGE, DETACHED — A detached accessory building designed, arranged, or used primarily for the housing or storage of private motor vehicles.

GARAGE, PUBLIC — A building or portion thereof, other than an automobile sales room, used for the housing or storage of six or more motor vehicles; their service or repair facilities, if any, are incidental and subordinate to the principal use of storage. A public garage may be a principal use or accessory use.

GOURMET FOOD ESTABLISHMENT — A specialty grocery retailer of not greater than 45,000 square feet which offers for sale varieties of groceries, baked goods, fresh fish and meats, dairy products, beverages, fresh produce, prepared dishes for take out and/or ingredients for food preparation. Within or adjacent to the premises, such establishments may also offer for sale beer, wine and liquor for off-premises consumption.

GREENHOUSES AND NURSERIES, COMMERCIAL — A building used for the cultivation and sale of plant materials grown on the premises or as nursery stock and for accessory items directly related to plant care and maintenance, such as pots, soil, mulch fertilizers, insecticides, rakes, shovels, etc.

GROSS LEASABLE AREA/SPACE — The total floor area designed for owner or tenant occupancy exclusive use. It is expressed in square feet, measured from the center lines of joining partitions and exteriors of outside walls.

GROUP HOME — A housing facility offering common, shared, or independent living, dining, kitchen, sanitary, and sleeping facilities. In addition, supportive services or supervisory personnel are provided to individuals with special housing needs when the individuals are not related to the group home sponsor.

HALFWAY HOUSE — A transitional residential substance abuse treatment facility, certified by the Office of Health Care Quality and the Alcohol and Drug Abuse Administration of the Department of Health and Mental Hygiene for the State of Maryland, that provides substance abuse rehabilitative treatment services, focused toward clients' employment and self-sufficiency, to clients who have received prior valuation and treatment in a primary or immediate care program.

HAZARDOUS SUBSTANCE —

A. Any substance that:

- (1) Conveys a toxic, lethal, or other injurious effect or which causes sublethal alterations to plants, animals, or aquatic life;
- (2) May be injurious to human beings; or
- (3) Persists in the environment; or

B. Such other substances as may be identified as hazardous by the United States Environmental Protection Agency or the State of Maryland Department of the Environment.

HELIPORT — An area, either at ground level or elevated on a structure, licensed or approved for the landing and takeoff of helicopters and which may include auxiliary facilities such as parking, waiting room, fueling, and maintenance equipment.

HELISTOP — An area designed to accommodate touchdown and liftoff of helicopters for the purpose of picking up and discharging passengers or cargo.

HISTORIC DISTRICT — An area containing historic sites or structures as designated by the City.

HISTORIC SITE — A parcel of land or a structure of historical or cultural significance eligible for designation on the National or State Register of Historic Places as a Harford County landmark or listed in the City of Aberdeen Inventory of Historic Places. (See Appendix C for listing.²)

HOME OCCUPATION — A business, profession, occupation, or trade conducted for gain or support within a residential building or its accessory buildings, which use is incidental and secondary to the use of the buildings for dwelling purposes and which does not change the residential character of such buildings. (See § 235-28, Home occupations.)

2. Editor's Note: Appendix C is included as an attachment to this chapter.

HOMEOWNERS' ASSOCIATION — As defined by Real Property Article 11B, the Maryland Homeowners Association Act.

HORIZONTAL MIXED-USE (ATTACHED) — Within the Transit Oriented Development Districts, a mix of uses whereby different uses are adjacent to each other within the same lot or development.

HORIZONTAL MIXED-USE (DETACHED) — Within the Transit Oriented Development Districts, a mix of uses whereby different uses are adjacent to each other within the same lot or development.

HOSPITAL — Any licensed and State of Maryland accredited health care institution with an organized medical and professional staff and with inpatient beds available around the clock whose primary function is to provide inpatient medical, nursing, and other health-related services to patients for both surgical and nonsurgical conditions and that usually provides some outpatient services, particularly emergency care.

HOTEL — A building in which lodging is provided for compensation and in which access to and from all rooms is made through an interior lobby or office.

HOTEL, FULL-SERVICE — A building in which lodging is provided for compensation and in which access to and from all rooms is made through an interior lobby or office and includes but is not limited to the following services: meeting rooms, restaurant, banquet facilities, and recreational facilities.

IMPERVIOUS SURFACE — Any surface area covered by a material that is highly resistant to the infiltration of water.

INFILL DEVELOPMENT — Construction of any residential, commercial, institutional, or industrial structure located in an existing developed area.

INGRESS — An entry.

INTERSECTION — The crossing of two or more roads at grade.

JUNK — Any scrap, waste, reclaimable material or debris, either stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal, or other use or disposition.

JUNKYARD — Any area where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, stored, abandoned, disassembled, or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvage house wrecking and structural steel materials and equipment, including three or more untagged or inoperable vehicles.

KENNEL — Any establishment in which five or more domestic animals, such as cats, dogs and other pets, more than six months old are kept, groomed, bred, boarded, trained, or sold.

LANDSCAPING — The improvement of property with lawns, trees, plants, and other natural features.

LANE — A public or private way which provides secondary and/or service access for vehicles to the side or rear of abutting properties whose principal frontage is on another street. (See "alley.")

LINER BUILDING — Within the Transit Oriented Development Districts, a building usually shallow in depth, specifically designed to mask a parking lot, parking garage or blank wall from a frontage.

LIVE WORK UNIT — Within the Transit Oriented Development Districts, a dwelling unit that is also the primary place of work of the business operator, which place of work is located on the ground floor for the occupant of the unit.

LOT — A designated area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed, or built upon.

LOT AREA — The total area within the lot lines of a lot, excluding any road right-of-way or reservation.

LOT, CORNER — A lot abutting upon two or more streets or alleys at their intersection.

LOT COVERAGE — The percentage of a lot area occupied by the ground area of principal and accessory buildings or structures on such a lot.

LOT FRONTAGE — The distance that a lot abuts a street.

LOT LAYERS — A range of depth of a lot and its building frontage within which certain elements are permitted. (See Illustrations 40 to 42, Lot Layers and Parking, and Illustration 26, Sidewalk Widths, Planting Areas and ESD.)

- A. LOT LAYER, FIRST — The area between the back of curb and the back of the sidewalk.
- B. LOT LAYER, SECOND — The area which starts at the build to line and extends towards the center for 20 feet.
- C. LOT LAYER, THIRD — The third lot layer is the area between the second lot layer and 10 feet of the rear property line.

LOT LINE — A line of record bounding a lot that divides one lot from another lot or from any right-of-way or from any other public space.

- A. LOT LINE, FRONT — The lot line separating a lot from a road right-of-way.
- B. LOT LINE, REAR — The lot line opposite and most distant from the front lot line.
- C. LOT LINE, SIDE — Any other lot line other than a front or rear lot line.

LOT LINE, ZERO — The lot line that is closest to the dwelling.

LOT, MINIMUM AREA OF — The minimum area of a lot on which a use, structure, or building may be located in a zoning district.

LOT, PANHANDLE — A lot with the appearance of a frying pan or flagstaff in which the handle is most often used as the point of access to a road.

LOT, THROUGH — A lot which fronts upon two parallel roads or which fronts upon two roads which do not intersect at the boundary of the lot and which has no rear lot line.

LOT WIDTH — The horizontal distance between the lot lines along a line parallel to the front lot line at the minimum required building setback line.

MAJOR THOROUGHFARE PLAN — The existing and proposed road network within and adjacent to the City as shown in the Transportation Element of the adopted Comprehensive Plan.

MASSAGE SERVICE — A business licensed under state law for the manipulation, rubbing, stroking, kneading, or tapping of body tissues for remedial or hygiene purposes either with the hand or an instrument.

MEDICAL CANNABIS DISPENSARY — A licensed dispensary as defined by and operated under COMAR Title 10, Subtitle 62.

MEDICAL CANNABIS GROWER — A licensed grower as defined by and operated under COMAR Title 10, Subtitle 62.

MEDICAL CANNABIS PROCESSOR — A licensed processor as defined by and operated under COMAR Title 10, Subtitle 62.

MEDICAL SERVICES — The provision of medical, dental, surgical, or other health-related services to individuals, including medical outpatient clinics, medical laboratories, dental clinics, dental laboratories, hospital supplies and opticians.

MICROBREWERY — A facility in which beer is brewed for distribution and consumption, and which possesses the appropriate Class 7 license from the State of Maryland. Tasting rooms for the consumption of on-site produced beer are permitted on the premises.

MINI-WAREHOUSING — A building or group of buildings that contains varying sizes of individual compartmentalized and controlled access stalls for the storage of customers' goods.

MIXED-USE DEVELOPMENT — A tract of land, buildings, or structured development for two or more different uses, such as but not limited to residential, office, manufacturing, retail, public, or entertainment.

MOBILE HOME PARK — A parcel of land used, designated, developed, and maintained to accommodate two or more mobile homes for long-term residential occupancy by rental of space or condominium ownership.

MOTEL — A building or group of buildings containing guest rooms or suites, with each room or suite usually having a separate inside or outside entrance.

NIGHTCLUB — A commercial establishment dispensing food and alcoholic beverages for consumption on the premises and in which dancing and/or live entertainment, including but not limited to magicians, musicians, or comedians, is permitted.

NONCONFORMING BUILDING OR STRUCTURE — A building or structure the size, dimension, or location of which was lawful prior to the adoption or amendment of this chapter and which after adoption or amendment of this chapter fails to conform to the present requirements of the district in which it is located.

NONCONFORMING LOT — A lot which was legally subdivided and recorded among the county land records prior to the adoption or amendment of this chapter and which after adoption or amendment of this chapter fails to comply with the dimensional requirements of this chapter.

NONCONFORMING USE — Any use lawfully being made of any land, building or structure, other than a sign, on the effective date of this chapter or any amendment to it rendering such use nonconforming which does not comply with all of the regulations of this chapter or any amendment hereto governing use for the zoning district in which such land, building or structure is located.

NURSING HOME OR SKILLED CARE FACILITY — A facility devoted primarily to the long-term treatment and care of the aged or elderly or persons suffering from illnesses, diseases, deformities, or injuries which do not require extensive or intensive care such as normally provided in a general or other specialized hospital. For purposes of this chapter, a hospice and a life care facility will be considered a skilled care facility.

OFFICE — Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business.

OFFICE BUILDING — A building with one or more offices.

OPEN SPACE — Areas of trees, shrubs, grass, pathways and other natural and man-made amenities, not within individual building lots, set aside for the use and enjoyment of residents, visitors and other persons, unoccupied by buildings or facilities unless related to recreational activities, and accessible to and adequate for the persons and functions they are designed to serve.

OVERLAY DISTRICT — A district superimposed over an underlying zoning district to which both districts are applicable to regulating the use of the property.

PARCEL — A designated area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed, or built upon.

PARK — Parks are public spaces that are available as recreational spaces that are accessible to and adequate for the recreational function and persons they are designed to serve, such as Festival Square.

PARKING STRUCTURE — A building containing two or more stories of parking. Parking structures in TOD zoning shall have liner buildings at the first story or higher.

PASSAGE — Within the Transit Oriented Development Districts, a paved pedestrian connector, which may or may not be roofed, passing between buildings, providing shortcuts through long blocks and connecting interior

or rear parking areas to buildings, street fronts, courtyards and other public spaces. (See Illustration 29, Passage.)

PERSONAL SERVICE — Establishments primarily engaged in providing services, including the care of a person or his or her apparel, such as but not limited to cleaning and garment services, which are deemed to be establishments for the mechanical cleaning of garments; linen supply; diaper service; coin-operated laundries; carpet and upholstery cleaning; photographic studios; beauty shops; barbershops; shoe repair; steam baths; reducing salons and health clubs; travel agent; clothing rental; locker rental; porter service; optician; and tailor.

PLANNING COMMISSION — The City of Aberdeen's Planning Commission, established pursuant to the Land Use Article of the Annotated Code of Maryland.

PLANTING AREA — The element of the public streetscape which accommodates street trees and/or environmental site design (ESD) planting areas. Planting areas may be continuous or individual.

PLAT — A map showing the location, boundaries, and ownership of individual properties planned and developed as a single project.

PLAZAS — Large outdoor spaces that extend the public realm from the street or sidewalk to the main entry of an adjacent building. (See Plazas, Illustration 27, Open Space Types.)

PORCH — A covered entrance to a building usually with a separate roof.

PORTICO — A colonnade or covered area often at the entrance of a building.

PRINCIPAL STRUCTURE — The main building on a lot, usually located toward the frontage.

PRINCIPAL STREET FRONTAGE — Within the Transit Oriented Development Districts, lot lines that coincide with public frontage on a collector or arterial roadway. (See Illustration 18, Principal Street Frontages.) Buildings are oriented towards the principal frontage, and include both the principal entrance to the building and the address. Parcels may have more than one principal street frontage, especially at corner locations and when bordered in the front and rear by collector or arterial roadways.

PROFESSIONAL SERVICES — The services by members of any profession, including but not limited to accountants, architects, chiropractors, dentists, doctors, engineers, lawyers, ophthalmologists, optometrists, osteopaths, psychologists, or social workers.

PUBLIC UTILITIES — Utility facilities owned by a governmental agency, private organization, or public utility defined under state law, maintained and operated for the benefit of the general public, including water and sewer systems, water towers, pumping stations, solid waste transfer stations, electrical transmission lines, microwave facilities, and interstate and intrastate pipelines.

PUBLIC UTILITY SUBSTATION — A configuration of high-voltage electrical equipment, consisting of but not limited to power circuit breakers, switches, transformers with associated connections, lighting masts, control house, and structures with related foundations, the purpose of which is to transform the electrical voltage from one level to another or to function as a switching point for two or more circuits of equal voltages. This equipment may be enclosed by a fence or other barrier.

REARYARD BUILDING — Within the Transit Oriented Development Districts, a building that occupies the full front lot line, leaving the rear of the lot as the sole yard. (See Rearyard, Illustration 21, Building Disposition.)

RECREATIONAL VEHICLE — A vehicular-type unit which is designed for recreation, camping or travel use which either has its own motor power or is mounted on or drawn by another vehicle and which, in general, is of such size and weight as not to require special highway movement permits when drawn by a passenger automobile or a pickup truck.

RECYCLING FACILITY — A facility in which used materials are separated, stored, compacted and/or crushed prior to shipment for recovery or reuse of those materials.

RESTAURANT — Any building, structure, or portion thereof where food is sold for consumption on or off the premises, including, but not limited to, a café, coffeehouse, tearoom, dining room, lounge, bar, and tavern.

RESTAURANT, DRIVE-THROUGH — A building, structure, or portion thereof designed to sell prepared food and beverages to patrons in vehicles.

RETAIL/COMMERCIAL SHOPFRONTS — Within the Transit Oriented Development Districts, buildings which are located on parcels that front arterial or collector roadways that are designated as primary and secondary frontages (see Illustration 19, Retail/Commercial Shopfronts) and that require the provision of a shopfront building façade and building frontage on the ground level, designed for commercial use. (See Shopfront and Awning Building Frontage, Illustration 22, Building Frontages, and Illustration 20, Opacity/Windows.)

RETAIL/COMMERCIAL STORES — Establishments that sell retail goods, to include, but not limited to, department stores, discount stores, pharmacies, outlet stores, variety stores, specialty stores, and supermarkets.

RETIREMENT COMMUNITY — A senior living community, retirement community, assisted living community, continuing care retirement community, independent living community or similar community that offers a combination of independent living, assisted living or nursing.

RIGHT-OF-WAY — A strip of land acquired by reservation, dedication or condemnation and intended to be occupied by a road, crosswalk, sidewalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary or storm sewer and other similar uses.

ROAD — A right-of-way which has been improved and is intended for motor vehicle traffic and provides access to property.

- A. ROAD, ARTERIAL — A road which carries the major portion of the traffic entering and leaving an area of the county. Four arterial street types are defined in the Aberdeen Comprehensive Plan and listed in order from regional to local significance:
- (1) REGIONAL CONNECTOR ARTERIAL — This is an arterial street with a combination of free-flow ramp and signalized points of access. It primarily provides mobility through Aberdeen for motor vehicle, truck, and commuter bus traffic, as well as access to major destinations within Aberdeen. Provision of space for bicycle and pedestrian travel is secondary to motor vehicle movement but not optional, and the design should emphasize frequent, safe crossings for cyclists and pedestrians.
 - (2) COMMERCIAL PRIMARY ARTERIAL — An arterial street segment that serves (or is planned to serve) a low- or medium-density commercial area that may be equally oriented to retail stores, service, and industrial use. This street emphasizes transit and motor vehicle travel, including truck movements. It also facilitates bicycle access.
 - (3) VILLAGE CENTER MIXED USE ARTERIAL — An arterial street segment that serves a compact mixed-use area that is fronted by (or planned to be fronted by) a variety of commercial, institutional, government, and/or residential uses. The street design emphasizes pedestrian, transit, and bicycle travel with adequate facilities provided within the street right-of-way.
 - (4) RESIDENTIAL ARTERIAL — An arterial street that serves and traverses a primarily residential neighborhood and is fronted by (or planned to be fronted by) residential, park, or institutional property. This street's design emphasizes bicycle and pedestrian travel, local motor vehicle travel, and transit access.
- B. ROAD, COLLECTOR — A road which provides for principal internal movements within residential neighborhoods and business or industrial districts and which is a primary means of circulation between adjacent neighborhoods, which functions to distribute traffic from arterials to local and other collector roads and collects traffic from local roads and channels it into the arterial system. Three collector street types are defined in the Aberdeen Comprehensive Plan and listed in order from regional to local significance:
- (1) VILLAGE CENTER COLLECTOR STREETS — Collector or local streets located in a medium- or high-density residential, commercial, or mixed-use area. These streets, often called side streets, may include street-level shops, but do not have the same level of pedestrian and vehicular activity as arterial streets. In some locations, these streets provide service, utility, and emergency vehicle access to alleys, loading docks, and building service areas for loading and unloading goods, recyclables, and

refuse. Access to the street system from off-street and garage parking may also be located on Village Center streets. These streets may provide pedestrians and cyclists a quieter alternative to arterial traffic. Village Center streets have been further classified distinguishing West Bel Air as Main Street, the roads adjacent to Festival Square and City Hall as festival streets; all other Village Center streets are classified as local streets.

(2) NEIGHBORHOOD PRINCIPAL COLLECTOR STREETS — Neighborhood principal streets occur in lower-density residential areas and provide access for fronting properties and links to adjacent streets. Like Village Center streets, they provide a way for travel to and from home, connections to local resources, and a shared space in the neighborhood for walking, biking, talking with neighbors, and conducting everyday activities.

(3) NEIGHBORHOOD MINOR COLLECTOR STREETS — Neighborhood minor streets occur in low- and medium-density residential areas. These streets are very similar to neighborhood principal streets in form and function. The distinctive feature of these streets is their nearly exclusive orientation to providing access to residences. Since residential streets have low-traffic volumes with infrequent travel by large vehicles, all users other than pedestrians can be accommodated within a relatively narrow travel way.

C. ROAD FRONTAGE — That portion of a lot abutting a street or highway and situated between lot lines intersecting such street or highway.

D. ROAD, LOCAL — A road which primarily provides direct access to abutting properties.

SANITARY LANDFILL — A site for solid waste disposal based on sanitary engineering design.

SCREENING — A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, or berms.

SEASONAL SALES — Products that are primarily sold during a particular season of the year, e.g. Christmas trees, locally grow produce, championship merchandise, fireworks, holiday flowers, and snowballs.

SETBACK — The required minimum distance from the road right-of-way, back of curb or any lot line that establishes that area within which principal buildings or structures must be erected or placed.

SHARED PARKING — Parking spaces that are shared by more than one user or business.

SHOPFRONT — Within the Transit Oriented Development Districts, a frontage wherein the façade is located at the back edge of the sidewalk (BTL) with a substantial glazing on the sidewalk level, and an awning or cantilevered shed roof projecting no more than seven feet forward of the BTL when the shopfront is not combined with a gallery or arcade

frontage. (See Illustration 20, Opacity/Windows, and Shopfront and Awning, Illustration 22, Building Frontages.)

SHOPPING CENTER — Six or more business uses, and with a building gross floor area of at least 20,000 square feet, and located in a particular zoning district. (See § 235-33 for detailed requirements.)

SIDEWALK — Within the Transit Oriented Development Districts, the paved layer of building frontage dedicated exclusively to pedestrian activity.

SIDEYARD BUILDING — Within the Transit Oriented Development Districts, a building that occupies one side of the lot with a setback to the other side. (See Illustration 21, Building Disposition.)

SIGHT TRIANGLE — The area at the corner of a lot fronting on two streets which shall remain unobstructed for sight distance purposes.

SIGN — (See Aberdeen Sign Code.³) Any device for visual communication which is used for the purpose of bringing the subject thereof to the attention of the public, but not including, when standing alone, a flag, emblem, badge, or insignia of any governmental unit.

SITE PLAN — A plan, usually prepared by a licensed design professional, showing uses and structures proposed for a parcel of land as required by this chapter.

SPECIAL DISTRICTS — Consists of areas with buildings that by their function, disposition, or configuration cannot, or should not, conform to one of the designated transect zones.

SPECIAL EXCEPTION — A use which is subject to approval by the Board in a particular district only upon showing that such use in a specific location will comply with the conditions and standards for the location or operation of such use as specified in this chapter.

SPECIALTY STORE OR SHOP — A retail store which carries only one type of interrelated goods, including but not limited to bookstores, candle shops, cosmetic shops, florist shops, gift shops, hobby and craft supply shops, import shops, jewelry shops, key shops, liquor stores, newspaper and magazine shops, novelty shops, pet stores, photographic shops, souvenir shops, and stationery shops.

STOOP BUILDING FRONTAGE — Within the Transit Oriented Development Districts, a frontage wherein the façade is aligned close to the frontage line with the lower story elevated at least 18 inches from the sidewalk to establish a sense of transition from public to private realm, and may be elevated sufficiently to secure privacy for the windows.

STORY — That portion of a building between the surface of any floor and the surface of the floor above it or, if there is no floor above it, then the space between the floor and the ceiling, including basements. In the TOD Districts, minimum story height is no less than 10 feet and no more than 14 feet from floor to ceiling, except that the first floor must be at least 12

3. Editor's Note: See Ch. 235, Art. VA.

feet in height and the top story may be no more than 14 feet from floor to ceiling. (See Illustration 35, Floor Heights by Story.)

STREET — (See "road.") An improved right-of-way intended for use by motor vehicle traffic and that provides access to property.

STREET FRONTAGE — Within the Transit Oriented Development Districts, the area where a building façade faces a street.

STREETSCAPE — The urban element that establishes the major part of the public realm. The streetscape is composed of roads (travel lanes for vehicles and bicycles, parking lanes for cars, and sidewalks or paths for pedestrians) as well as the visible private frontages (building facades and elevations, porches, yards, fences, awnings, etc.), and the amenities of the public frontages (street trees and plantings, benches, streetlights, etc.).

STRUCTURE — A combination of materials to form a construction for use, occupancy or ornamentation, whether installed below or above the surface of land or water.

SUBDIVISION — The consolidation or division of a parcel or tract of land into two or more new parcels.

SWIMMING POOL — Any portable or permanent structure, either aboveground or in-ground, containing water 36 inches or more in depth used for recreational purposes.

TATTOO PARLOR — A structure housing a business for the purpose of placing tattoos on the skin.

TEMPORARY STORAGE CONTAINER — A portable unit intended to be utilized for storage of personal property to facilitate the moving of persons from household unit to household unit or commercial use to commercial use.

TRANSECT — Within the Transit Oriented Development Districts, a system of ordering human habitats in a range from the most natural to the most urban, which describes the physical character of place at any scale, according to the density and intensity of land use and urbanism.

TRANSECT ZONE (T-ZONE) — Transect zones are administratively similar to the land use zones in conventional codes, except that in addition to the usual building use, density, height, and setback requirements, other elements of the intended habitat are integrated, including those on the lot and building fronting the public streetscape. The elements are determined by their location on the Transect Zone Map or Regulating Plan. The TOD Districts include three transect zones: the TOD Downtown (TOD-D) synonymous with the urban core district (T6); the TOD Corridor (TOD-C) synonymous with the urban center district (T5); the TOD Neighborhood (TOD-N) synonymous with the general urban zone district (T4). (See Aberdeen TOD Regulating Plan.)

TRANSIT CENTER — A central location for intermodal transit, such as buses, trains, taxis, and complimentary retail and service facilities.

TRANSITION LINE — A horizontal line spanning the full width of a façade, expressed by a material change or by a continuous horizontal articulation such as a cornice or a balcony.

TRANSIT ORIENTED DEVELOPMENT (TOD) — Development that combines a pedestrian-friendly environment with retail or entertainment ground floor uses, and generally located within one-half mile side walk route to a premium transit station. Specifically, a TOD provides continuous, shaded sidewalks with street furniture and minimal driveway interruptions, and nearly continuous shop frontage.

TRUCK TERMINAL — Land and building used for transfer of a load from one vehicle to another. The facility may include storage areas for trucks or for the repair of trucks associated with the facility.

TYPE — Within the Transit Oriented Development Districts, a category determined by function, disposition, and configuration, including size or extent. There are building types, road types, open-space types, etc. (See also "building type.")

USE — The purpose or activity for which land, buildings or structures are designed, arranged or intended or maintained or occupied.

VEHICLE — A carriage or conveyance on wheels.

A. VEHICLE, PERSONAL TRANSPORTER — A conveyance by which automobiles, motorcycles, and other similar vehicles are transported for personal use.

B. VEHICLE, MOTOR — A self-propelled free-moving vehicle.

WETLANDS — An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

YARD — An open area between a lot line and the setback line within which no structures shall be located except as provided by this chapter. The Zoning Administrator shall have the right to designate the front, side and rear yards on a particular parcel.

A. YARD, FRONT — A yard extending the full width of the lot which includes the area between the front building setback line and the road right-of-way.

B. YARD, REAR — A yard extending across the full width of the lot between the rear building setback line and the rear lot line.

C. YARD, SIDE — A yard extending from the front yard to the rear yard between the side building setback line and the side lot line.

ZONING ADMINISTRATOR — The officer designated by the Council to administer the Development Code and issue zoning permits. The Director of Planning and Community Development shall be the Zoning Administrator, as an agent for the City.

ZONING MAP — The Official Zoning Map of Aberdeen, Maryland, adopted by the Mayor and City Council.

§ 235-8. Rules of construction.

The terms and provisions of this chapter shall be interpreted to implement the general purposes of this chapter as set forth in § 235-3. In addition to the rules applicable generally to the construction of the code, the following rules of construction shall apply:

- A. The particular shall control the general.
- B. In cases of conflict between the text of this chapter and any caption, illustration, summary table, or illustrative table, the text shall control.
- C. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- D. The word "person" includes an individual, sole proprietorship, corporation, partnership, incorporated association, and any recognized legal entity.
- E. Unless it is plainly evident from the context that a different meaning is intended, in a regulation which involves two or more items, conditions, provisions or events connected by the conjunction "and," "or" or "either. . . or," the use of the conjunction is defined as follows:
 - (1) "And" means that all the connected items, conditions, provisions and events apply together and not separately.
 - (2) "Or" means that the connected items, conditions, provisions and events shall apply separately or in any combination.
 - (3) "Either . . . or" means that the connected items, conditions, provisions or events shall apply separately but not in combination.
- F. The word "includes" or "including" does not limit a term to the specified examples but is intended to extend the term's meaning to all other instances or circumstances of similar kind or character.
- G. The word "City" means the City of Aberdeen, Maryland. The word "state" means the State of Maryland. The term "Charter" refers to the Aberdeen Charter approved by the voters of the City and all amendments thereto.
- H. If a term is defined in the City Subdivision Regulations, Architectural Design Guidelines or the City Building Code, it shall have the meaning specified in the Subdivision Regulations, Architectural Design Guidelines, or Building Code unless specifically defined in this chapter.
- I. The terms "Mayor and Council," "Board of Appeals," "Council," "Director of Planning and Community Development," "Planning Commission," "City Attorney" and "Zoning Administrator" mean the

respective boards, officers, officials and department heads of the City. The term "Council" shall include the Mayor and Council.

- J. All words, other than the terms specifically defined herein, shall have the meanings inferred from their context in this chapter, and if not defined by this chapter, refer to Webster's New Universal Unabridged Dictionary for their definition.
- K. Conflicting regulations. The provisions of this chapter shall be held to be minimum requirements. Where this chapter imposes a greater restriction than is imposed or required by other provisions of law or other rules, regulations, or ordinances or by private restrictions, the provisions of this chapter shall control. If there are conflicting provisions within the code the most restrictive shall apply.
- L. Applicability of other laws. Notwithstanding the provisions of this chapter, any development shall be subject to the provisions of the Subdivision Regulations, and any other activity requiring the issuance of a permit, license, grant or approval shall be subject to the applicable law.
- M. If any building, structure or use is not specifically listed, the use that is most similar to the proposed use shall apply.

ARTICLE II
Administration and Enforcement

§ 235-9. Zoning Administrator.

- A. The Director of Planning and Community Development shall be the Zoning Administrator. The Zoning Administrator or duly approved designee shall be vested and charged with the power and duty to:
- (1) Act as advisor to the Planning Commission and the Board of Appeals.
 - (2) Administer and enforce the Development Code.
 - (3) Prepare and provide applications and forms required by this chapter.
 - (4) Enter and inspect any structure or land to determine if the parcel or use complies with the provisions of this chapter. Should the owner or occupant deny such entry, the Zoning Administrator may seek relief from the court to permit such right.
 - (5) Perform such other duties as are necessary for the proper enforcement and administration of this chapter.
 - (6) Recommend Development Code and Zoning Map amendments to the Planning Commission and Council.
 - (7) Regulate all land development activities and enforce the provisions of this chapter.
 - (8) Render interpretations, upon written request of any interested person whose property may be affected, as to the applicability of the code to particular uses. Interpretations can be appealed within 30 days to the Board of Appeals.
 - (9) Review all annexation applications for compliance with this chapter.
 - (10) Review applications for rezoning, special exceptions, variances and interpretations under the provisions of this chapter for recommendation to the Board of Appeals or Planning Commission.
 - (11) Review for approval or denial all applications for applicable permits.
 - (12) Prepare the agenda for the Planning Commission and Board of Appeals.
- B. The Zoning Administrator, as an agent for the City, shall be deemed an aggrieved party and has the right to appeal any decision of the Board of Appeals.

§ 235-10. Planning Commission.

- A. The Planning Commission is established pursuant to the Land Use Article of the Annotated Code of Maryland.
- B. The Planning Commission shall consist of seven members appointed by the Council who shall serve without compensation. The term of each member shall be five years or until a successor takes office. If a seat on the Planning Commission becomes vacant, the Mayor shall appoint a member, with concurrence of the Council, to fill the remaining term of the vacancy.
- C. The Planning Commission shall elect a Chairperson and Deputy Chairperson from its members for terms of one year with eligibility for reelection.
- D. All business before the Planning Commission shall be submitted for review 30 days before the Planning Commission's scheduled meeting.
- E. The Commission shall hold one regular public meeting each month and such other special meetings as may be determined. Commission agendas and meeting minutes shall be posted on the City's website. It shall adopt procedures for the transaction of business and shall keep a public record of its resolutions, transactions, findings, and determinations. Fire, police, emergency operations, and departmental personnel shall attend the meetings of the Planning Commission and act as consultants.
- F. A majority of the members (four) of the Commission shall constitute a quorum for the transaction of business, and a majority vote of those present at any meeting, but not less than the number necessary for a quorum, shall be sufficient for any official action taken by the Commission.
- G. Powers and duties of the Commission. The Commission shall:
 - (1) Have such powers and duties as set forth in the Land Use Article of the Annotated Code of Maryland.
 - (2) Adopt rules of procedure for the conduct of its business.
 - (3) Make and approve a Comprehensive Plan prepared in accordance with the Land Use Article of the Annotated Code of Maryland and recommend the plan to the Council. The Commission shall:
 - (a) Make a preliminary report about the Comprehensive Plan and hold at least one public hearing.
 - (b) Consult public officials and agencies; civic, educational, professional and other organizations; and citizens with relation to protecting or executing the plan.
 - (c) Prepare, adopt and file a final report on the plan with the Mayor and Council in accordance with the Land Use Article of the Annotated Code of Maryland.

- (d) Recommend changes or amendments to the Aberdeen Comprehensive Plan.
- (e) Promote public interest in and understanding of the plan.
- (4) Review, comment, and approve a recommendation to the City Council for all preliminary site plans and preliminary and final subdivision plats. The approval of a preliminary site plan or preliminary subdivision plat will be valid for two years from the date of the City Council approval, after which the preliminary site plan or preliminary subdivision plat must be resubmitted for review and approval.
- (5) Recommend the boundaries of the various districts and appropriate regulations to be enforced therein.
- (6) Recommend text amendments to the Aberdeen Development Code.
- (7) Recommend rezonings and annexations.
- (8) Recommend changes or amendments to the Subdivision Regulations.
- (9) Recommend acquisition and development of lands for City open space or recreation purposes.
- (10) Recommend changes in land use or development arising from local, state or federal programs or policies.
- (11) Make other recommendations to the Council on items of interest or concern.
- (12) Submit an annual report to the Council and the Maryland Department of Planning.
- (13) Review as needed, or a minimum of every six years, the Development Code and Zoning Map to determine whether it is advisable to amend the regulations or the Map, or both, to more closely conform to the objectives of the adopted Comprehensive Plan, to take advantage of new techniques, to correct deficiencies, or for other appropriate reasons.
- (14) Make recommendations based on sound planning principles.
- (15) Maintain a summary of all meetings and recommendations.
- (16) Impose conditions on its approval of developments, including but not limited to configuration of streets, sidewalks, location of public improvements, reservation of open space and recreational areas.
- (17) Recommend programs for public structures, improvements and land acquisitions and for their financing.
- (18) Enter upon any land and make examinations and surveys.

- (19) Have such powers to enable it to fulfill its functions, promote planning or execute the purposes of the Land Use Article of the Annotated Code of Maryland.

§ 235-11. Board of Appeals.

- A. The Board of Appeals is established pursuant to the Land Use Article of the Annotated Code of Maryland.
- B. The Board of Appeals shall consist of five members and one alternate member, who may be empowered to sit on the Board in the absence of any member of the Board, who shall serve without compensation. The terms of all members shall be three years. If a seat on the Board of Appeals becomes vacant, the Mayor will appoint a member, with concurrence of the Council, to fill the remaining term of the vacancy. All members may be eligible for reappointment.
- C. The Board of Appeals shall elect a Chairperson and a Deputy Chairperson from its members for terms of one year with eligibility for reelection.
- D. The Board shall:
- (1) Administer oaths and conduct hearings, including receipt of evidence and stipulations.
 - (2) Adopt rules and regulations for the conduct of its hearings.
 - (3) Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator.
 - (4) Hear and decide applications for special exceptions and variances as authorized under this chapter.
 - (5) Issues subpoenas for and compel the attendance of witnesses.
- E. Meetings, notice and hearings.
- (1) The Board shall adopt rules for the conduct of its business, which shall be made available to the public. A quorum shall not be fewer than three members, and an affirmative vote of three members of the Board shall be required to reverse any decision, ruling or determination of the Zoning Administrator or to approve any special exception or variance. All hearings and deliberations shall be open to the public, unless permitted to be closed under the Open Meetings Act.⁴
 - (2) The Board shall hold meetings at the call of the Chairperson and at such other times as the Board may determine.

4. Editor's Note: See § 10-501 et seq. of the State Government Article of the Annotated Code of Maryland.

- (3) The Board shall keep minutes of its proceedings and other actions, showing the vote of each member upon each question. The Board shall keep records of its examination and other official actions, all of which shall be filed in the City office and shall be a public record. The Chairperson or, in his/her absence, the Deputy Chairperson may administer oaths and compel the attendance of witnesses.
 - (4) Upon receipt of a completed application, the Board shall schedule a public hearing and provide notice in one newspaper of general circulation in the City at least 14 days prior to the hearing and on the City's website.
 - (5) All contiguous property owners shall be notified of the public hearing date by regular and certified mail.
- F. In addition to such other rules and regulations as may be adopted by the Board, the hearing shall be conducted as follows:
 - (1) Applicant's case.
 - (2) Report of the Department of Planning and Community Development and other public agency representatives.
 - (3) Any opponent's case in chief.
 - (4) Applicant's case in rebuttal.
- G. The Board may impose such conditions regarding the locations and other features of the proposed structures or uses as it may deem necessary, consistent with the purposes of the code, the limitations, guides, and standards and the laws of the City and State of Maryland.
- H. Decision of the Board.
 - (1) Lapse of special exception or variance. After the Board of Appeals has approved a special exception or granted a variance, the special exception or variance so approved or granted shall lapse after the expiration of two years if no substantial construction or change of use has taken place in accordance with the plans for which such special exception or variance was granted or if the Board does not specify some longer period than two years for good cause shown, and the provision of these regulations shall thereafter govern.
 - (2) The Board shall issue a written decision or determination on any application or appeal within 30 days following the close of the record. This time may be extended by the Chairperson for an additional 60 days.
- I. An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by order of a court of competent

jurisdiction after notice to the Zoning Administrator and on good cause shown.

- J. If the application is disapproved by the Board or is dismissed for failure of the applicant to pay costs, then the Board shall take no further action on another application for substantially the same relief until six months from the date of such disapproval or dismissal, whichever shall last occur.
- K. A special exception use may be granted by the Board only upon proof by the applicant that:
 - (1) The proposed use is compatible with the principal permitted uses within the district.
 - (2) The use does not adversely affect public health, safety and welfare of adjoining or neighboring properties.
- L. Criteria for approval of variances. Variances from the provisions or requirements of this chapter may be granted if the Board finds that:
 - (1) The literal enforcement of the code would result in undue hardship.
 - (2) The variance will not be substantially detrimental to adjacent properties and will not materially impair the purpose of this chapter or the public interest and the character of a district will not be changed by the granting of the variance.
 - (3) No variance shall exceed the minimum adjustment necessary to relieve the hardship imposed by the literal enforcement of this chapter.
- M. Appeals from a decision of the Board may be filed by any interested person to the Circuit Court in the manner prescribed by law within 30 days from the date of the Board's decision.
- N. A fee shall be charged for filing and handling each application or appeal provided for in this article, in an amount to be determined by the Council. All costs associated with the application must be paid to the City when the application is filed. The costs of appeal, including the copy of the transcript, shall be borne by the applicant.
- O. The Board, upon application for an interpretation of the Development Code or Zoning Map, after notice to the owners of the properties affected and public hearing, may render an interpretation.

§ 235-12. (Reserved)

§ 235-13. Rezoning for individual parcels.

- A. The Zoning Administrator, as an agent of the City, may initiate a rezoning request if the Zoning Administrator determines that a mistake in the zoning has occurred during the last comprehensive rezoning

or that there has been a substantial change in the character of the neighborhood. The Zoning Administrator shall be deemed an interested party and subject to the same submittal and notification requirements as a property owner.

- B. Request initiated by property owner. Any request for a rezoning to the property by a property owner or contract purchaser, with the consent of the property owner, shall be submitted to the Zoning Administrator and shall include:
- (1) The location and size of the property.
 - (2) A title reference or a description by metes and bounds, courses and distance.
 - (3) The present zoning classification and the classification proposed by the applicant.
 - (4) The names and addresses of all persons, organizations, corporations or groups owning land, any part of which lies within 500 feet of the property proposed to be reclassified as shown on the current assessment records of the State Department of Assessments and Taxation.
 - (5) A statement of the grounds for the request, including:
 - (a) A statement as to whether there is an allegation of mistake as to the existing zoning and, if so, the nature of the mistake and facts relied upon to support this allegation;
 - (b) A statement as to whether there is an allegation of substantial change in the character of the neighborhood and, if so, a precise description of such alleged substantial change; and
 - (c) A statement as to whether the proposed classification is in conformance with the Comprehensive Plan and the reasons for the opinion.
- C. A concept plan shall be submitted with the application. The concept plan shall illustrate the proposed general nature and distribution of land uses but need not include drawings prepared by an engineer.
- D. The Planning Commission shall review applications for rezoning and submit its recommendation to the Council prior to public hearing.
- E. Notice of public hearing shall be provided 30 days prior to the scheduled hearing. A complete record of the hearing and the votes of all the Council shall be kept.
- F. The Council shall make findings of fact in each specific case, including but not limited to the following matters: population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development for the area, the

recommendation of the Planning Commission and the relationship of such proposed rezoning to the Comprehensive Plan.

- G. The Council may grant the amendment based upon a finding that there was a substantial change in the character of the neighborhood where the property is located since the last comprehensive zoning or that there was a mistake in the last comprehensive zoning.
- H. Any person aggrieved by the decision of the Council may appeal to the Circuit Court for Harford County within 30 days from the date of the decision.

§ 235-14. Comprehensive zoning review.

- A. The Zoning Administrator may recommend revisions to the Zoning Map as needed for consideration and review by the Planning Commission and approval by the Council. Proposed revisions to the Zoning Map shall be prepared by the Zoning Administrator based on a review and study of existing land use and future land use needs, population, economics, transportation patterns, public facilities and services, and other relevant planning factors.
- B. Notice of a public hearing before the Council shall be provided 30 days in advance and published at least one time in a local newspaper. A copy of the public hearing notice shall be sent by regular mail to all property owners contiguous to those lots or parcels of land affected by a proposed change to the current zoning.

§ 235-15. Annexation policy and procedure.

- A. Policy. The following principles shall govern annexation:
 - (1) The City Council may consider and act upon a petition for the annexation of land contiguous and adjacent to the corporate limits of the City in order to promote the health, safety, welfare and economic development of the City.
 - (2) The annexation may be appropriate when it promotes coordinated planning for the area surrounding the land proposed for annexation, and where it is consistent with the plans for the present and future development of the City, and where it will not result in isolated development inconsistent with surrounding land uses.
 - (3) The annexation must contribute to the realization and/or furtherance of the goals and objectives of the Comprehensive Plan.
 - (4) The location relative to existing public facilities and a review of the City's ability to provide public facilities or the potential of alternative nonpublic facilities to serve the annexation area.

- (5) The development of relevant conditions for the protection and benefit of the residents of the City.
 - (6) The annexation will not result in an adverse fiscal impact upon the City.
 - (7) Annexation only to increase municipal revenue is inappropriate without an ability to provide municipal services.
 - (8) Upon approval of an annexation petition by the City Council, the petitioner shall not be permitted to amend or to otherwise change the terms of the annexation petition.
- B. Procedures. The following procedures shall govern annexation and the zoning of land so annexed:
- (1) Petition filing contents. A petition for annexation, prepared in compliance with § 4-404 of the Local Government Article of the Annotated Code of Maryland, shall be signed by the owner of the property and any contract purchaser(s) and shall be filed with the City Clerk, together with 15 copies of the petition and a nonrefundable fee as established by resolution of the City Council. The City may require additional copies to be provided to the City at its discretion. The petition shall include the following:
 - (a) Descriptive data.
 - [1] A legal description of the property with metes and bounds.
 - [2] Name and address of all members, stockholders, partners, or other individuals having a legal or equitable interest in the entity that owns an interest in the property.
 - [3] The names and addresses of all persons residing in the area to be annexed.
 - (b) Exhibit showing:
 - [1] The legal boundaries of the property, to include complete parcels and all property lines in order to eliminate noncontiguous land that may be annexed in the future.
 - [2] The existing land use conditions surrounding the subject property.
 - [3] Existing county zoning and the petitioner's proposed City zoning.
 - [4] A property tax map.
 - [5] An aerial photographic map at an appropriate scale.
 - [6] Topographic map of the property at an appropriate scale.
 - [7] Existing public facilities and improvements.

- [8] Existing reserved or public areas.
- (c) Certification that each owner of real property, both within the area of the proposed annexation and contiguous to the annexation area, has either executed the petition or has been sent by certified mail and first-class mail to the address listed in the assessments records, within 10 days prior to filing of the petition, a summary in a format provided by the City.
- (d) Concept plan:
 - [1] Showing the boundary of the area to be annexed.
 - [2] Showing the general location of each proposed land use (residential with type, commercial, open space, etc.) on the property and the percentage of the whole for each use. General location of land uses may be shown as irregular graphic shapes depicting the approximate size and relationship to adjacent land uses.
 - [3] Providing a table listing densities and land use by type, including the area of each.
 - [4] Showing the density of residential development, the maximum and minimum lot sizes, and the anticipated square footage of commercial and industrial buildings.
 - [5] Showing existing and proposed arterial and collector streets adjoining (where applicable) and their relationship to the principal land uses on the site, consistent with the adopted Transportation Element in the Comprehensive Plan for the City.
 - [6] Showing existing and proposed major utility lines or facilities and their relationship to the principal land uses on the site.
 - [7] Showing contour lines at a maximum of five-foot intervals.
 - [8] Showing significant natural or man-made features on the site and contiguous to the property, as available from current Harford County or other pertinent geographic information system (GIS) databases.
- (e) Description of municipal services that may need to be upgraded, initiated, or extended, together with a recommendation regarding the priority for accomplishing the improvements and a recommendation as to possible sources of funding and recoupment for any capital improvements.
- (f) Estimation of the potential revenue that will be generated from the development of the area to be annexed and which will be realized by the City.

- (g) Description of the social and economic characteristics of the proposed area to be annexed and the surrounding area.
 - (h) Identification of existing environmental characteristics (floodplains, wetland delineations, endangered flora and fauna, etc.) of the proposed area to be annexed and the surrounding area with information relating to any environmental impact which annexation and development might have upon these characteristics.
 - (i) Description of any unique characteristics (i.e., historical, archaeological, institutional, etc.) situated in the area to be annexed and a surrounding area within a one-mile radius of the area to be annexed, with an analysis of how these characteristics would be impacted by annexation.
 - (j) A detailed statement as to whether the land uses and densities permitted under the proposed City zoning classification and the land uses for the annexed area and densities permitted under the current Harford County zoning classification are, or are not, substantially different as that term is defined in § 4-416 of the Local Government Article of the Annotated Code of Maryland.
- (2) Community informational meeting (CIM). Within 45 days prior to the petition filing date, the petitioner shall hold a CIM. This meeting will be facilitated by the City planning staff and held at a public location (library, City Hall, etc.) adequate to serve the expected turnout of residents. The meeting shall be advertised by a posting on the property(ies) at its boundary with a public road, or at the closest public road intersection, and in a news publication of general weekly circulation in the Aberdeen area. The staff shall coordinate the attendance of a liaison from the Planning Commission and the City Council. At a minimum, all documents included in the petitioner's filing shall be made available for review at the CIM. The petitioner shall submit a summary of comments (meeting minutes) made by the citizens to the City at the CIM at least 10 days prior to the scheduled Planning Commission hearing regarding the petition. The petitioner also shall include a certification that the CIM was advertised.
- (3) Petition preliminary review. Within 90 days following the date of the filing of a petition and all required attachments, the Director of Planning and Community Development shall conduct a preliminary review of the petition with the petitioner(s), or the petitioner's representative, and the Director of the Department of Public Works. Prior to beginning the review, the Department of Planning and Community Development shall inform the petitioner(s), in writing, of the date when the petition and all required attachments have been provided and accepted. Based upon this review, the Director of Planning and Community Development may direct the

petitioner to submit additional information within a thirty-day period or to take other reasonable steps with regard to the petition, including:

- (a) Supplementation of the information required to be submitted in the petition.
 - (b) Provision for a study by an independent consultant selected by the City and the petitioner to evaluate the information submitted in support of the petition and to determine the fiscal impact of the annexation on the City.
 - (c) Provision for any other studies necessary for the proper consideration of the petition.
 - (d) Additional mailing, posting or advertising notice requirements.
- (4) Petition review by Planning Commission.
- (a) Upon completion of the review, the Director of Planning and Community Development shall forward the petition package to the Planning Commission no less than 30 days prior to the next scheduled Planning Commission meeting. At this time, the Director shall advertise the agenda of the Planning Commission in a news publication of general weekly circulation in the Aberdeen area. The petitioner shall supply 15 copies and one digital-format copy of the completed petition package to the Director prior to this submittal.
 - (b) The Planning Commission will review the petition for annexation and take public comment during its scheduled meeting.
 - (c) The Planning Commission shall submit its recommendation to the City Council within 60 days of the Planning Commission meeting.
- (5) Payment for processing and review.
- (a) The petitioner shall be responsible for payment for all studies required by the Director of Planning and Community Development and reimbursement of all staff and Attorney time necessary for review of the petition and all studies.
 - (b) The staff shall keep an accounting of their time spent on the annexation review reflecting the hourly rate of each employee established by the City.
- (6) Adoption of annexation plan. Consistent with § 4-415 of the Local Government Article of the Annotated Code of Maryland, the City Council shall adopt an annexation plan which shall be open to public review and discussion at a public hearing.

(7) Public hearing.

- (a) When the petitioner has complied with the requirements as specified by the Director of Planning and Community Development following the review and the annexation has been prepared and distributed, the City Council shall introduce an annexation resolution and conduct a public hearing with regard to the proposed annexation at the time and place as shall be established by it.
 - (b) The hearing shall be conducted and a record of the proceedings shall be preserved in a manner as the City Council prescribes.
 - (c) A description of the annexation and a notice of the time and place of the hearing shall be published as specified in § 4-406 of the Local Government Article of the Annotated Code of Maryland.
 - (d) At the hearing, the recommendations of any board, commission, or agency shall be considered evidence.
- (8) Conditions. In acting favorably with regard to the petition, the City Council may include in its resolution such conditions and restrictions as are deemed necessary for the protection of the public interest, furtherance of the health, safety, and welfare of the residents of the City and to secure compliance with any relevant legal standards or requirements.

(9) Annexation agreement.

- (a) The City Council may, prior to voting on the resolution, enter into an annexation agreement with persons and entities that are petitioners in the annexation petition. Only those petitioners that agree to be responsible to the City for performance of contractual or financial commitments, or that promise community benefits, are required to be a party to the agreement.
- (b) The City Council shall hold a public hearing on the proposed agreement prior to the City's final approval and execution of the agreement and before taking a vote on the annexation resolution. The copies of the proposed agreement shall be made available to the public at City Hall no later than 10 calendar days prior to the public hearing.
- (c) The effective date of the agreement shall be the date that the approval of the annexation resolution by the City Council becomes final. Upon the annexation resolution becoming final, the agreement shall be binding upon the parties thereto, their heirs, successors, grantees and assigns.

- (d) The annexation agreement shall be recorded by the City in the land records of Harford County, Maryland, within 30 days of the date the annexation resolution becomes final.
- (10) Zoning. In acting favorably with regard to the petition, the City Council shall designate the zoning classification of the annexed land as provided for in this chapter and in other applicable laws, ordinances, regulations, and procedures related to zoning of annexed land.
- (11) Approval or rejection.
 - (a) No property shall be annexed except by a favorable vote of a majority of the members of the City Council.
 - (b) The City Council may reject the petition for any reason or for no reason. The City Council is not required to make any finding of fact in the event it rejects the petition.
- (12) Other applicable law. This procedure is in addition to any other provisions of the City Charter and Code of the City of Aberdeen and of the Annotated Code of Maryland that govern annexation.

§ 235-16. Violations and penalties; abatement.

- A. A violation of this chapter or any condition attached to a special exception or variance shall constitute a municipal infraction and shall be subject to the provisions of § 95-1 et seq. of the City Code.
- B. In the event of a violation of any of the provisions of this chapter or any amendment or supplement thereto, the Zoning Administrator, any adjacent or neighboring property owner or any person who would be specially damaged by such violation, in addition to other remedies provided by law, may file for injunction, written court order, abatement or other appropriate action or other proceeding to prevent, restrain, correct or abate such unlawful activity or use.
- C. Notice of violation shall be sent by certified mail and first-class mail to the owner of the property as listed on the real estate tax records of the State Department of Assessments and Taxation and by posting on the property and shall provide a five-day notice to correct unless the violation causes imminent peril to life or property.
- D. Upon reasonable notice, the Zoning Administrator or authorized designee shall have the right to enter upon any land and to abate any zoning violation for which notice has been provided and to impose the cost of such abatement as a lien upon the property, to bear interest, be collected and enforced, and in all respects be treated in the same manner as City real property taxes.

ARTICLE III
Zoning Districts

§ 235-17. Maps of zoning districts.

- A. Zoning districts. Zoning districts established by this chapter are bounded and defined as designated on the Official Zoning Maps and subsequent modifications thereto. Said Zoning Maps, properly attested, and maps indicating the results of zoning cases conducted hereunder shall be and remain on file in the office of the Zoning Administrator.
- B. Delineation of district boundaries. The following rules shall be used to determine the precise location of any zoning district boundary:
- (1) Boundaries shown as following or approximately following the limits of Harford County shall be construed as following such limits.
 - (2) Boundaries shown as following or approximately following streets shall be construed to follow the center lines of such streets.
 - (3) Boundaries shown as following or approximately following platted lot lines or other property lines as shown on the tax maps shall be construed as following such lines.
 - (4) Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines.
 - (5) Boundaries shown as following or approximately following the center lines of streams, rivers or other continuously flowing watercourses shall be construed as following the channel center line of such watercourses taken at mean low water, and in the event of a natural change in the location of such streams, rivers or other watercourses, the boundaries shall be construed as moving with the channel center line.
 - (6) Boundaries shown as separated from and parallel or approximately parallel to any of the features listed in Subsection B(1) through (3) above shall be construed to be parallel to such features and at such distances therefrom as are shown on the map.
 - (7) Whenever any road, alley or other public way is vacated by official action as provided by law, the zoning districts adjoining the side of such right-of-way shall be automatically extended, depending on the side or sides to which such lands revert, to include the right-of-way of the public way thus vacated, which shall henceforth be subject to all regulations of the extended district.

§ 235-18. Zoning districts and boundaries.

In conformity with the purposes of this chapter, the following zoning districts are established:

- A. R-1 Low-Density Residential District. The purpose of this district is to provide for single-family, low-density residential development, together with such public buildings, schools, churches, public recreational facilities and accessory uses as may be necessary or are compatible with residential surroundings. This district is designated to protect existing development of high character and vacant land considered appropriate for future development.
- B. R-2 Medium-Density Residential District. The purpose of this district is to provide for single-family and two-family residential developments of City-scale character, together with such public buildings, schools, churches, public recreational facilities and accessory uses as may be necessary or which are normally compatible with residential surroundings.
- C. R-3 High-Density Residential District. The purpose of this district is to provide for a high-density residential district within the City, together with such public buildings, schools, churches, public recreational facilities and accessory uses as may be necessary or are normally compatible with residential surroundings.
- D. B-1 Neighborhood Business District. The purpose of this district is to provide limited retail and service facilities convenient to residential neighborhoods. To this end, uses are limited primarily to convenience goods and service facilities satisfying the household and personal needs of the residents of abutting residential neighborhoods. Standards are established compatible with low-density residential districts resulting in similar building bulk and low vehicular traffic.
- E. B-2 Central Commercial District. The purpose of this district is to provide retail and office development within the central business district of the City. Appropriate uses are generally the same as for the B-1 District, but with altered yard requirements and altered off-street parking requirements in recognition of the practical difficulty of providing off-street parking in the central business district and in recognition of the collective responsibility to provide off-street parking for smaller establishments. Development/redevelopment in this district shall be compatible with the existing historic, aesthetic and pedestrian character of the downtown area in terms of scale and design. Residential uses are appropriate in this district.
- F. B-3 Highway Commercial District. The purpose of this district is to provide for a number of retail and office establishments and commercial services for use by the traveling public on or near major roads or streets in the City and at the same time is intended to maintain the appearance of the highways and their access points by limiting outdoor advertising and establishing high standards for development. Commercial development in this district shall be in the form of well-planned and heavily buffered commercial concentrations as opposed to traditional forms of highway strip commercial.

- G. M-1 Light Industrial District. The purpose of this district is to provide for light manufacturing, fabricating, warehousing and wholesale distributing in low-rise buildings with off-street loading and off-street parking for employees and with access by major thoroughfares or rail. Commercial uses are permitted, primarily for service to employees in the district.
- H. M-2 Heavy Industrial District. The purpose of this district is to provide for industrial operations of all types which are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences than the minimum amount normally resulting from uses specifically permitted.
- I. Downtown Revitalization Overlay District. The purpose of this district is to enhance the existing assets located in downtown, through the application of design requirements. Properties located within the Transit Oriented Development Districts are not subject to the Downtown Revitalization Overlay District regulations and design requirements.
- J. Residential Overlay (RO) District. The purpose of this district is to recognize existing uses within certain R-3 Zones within the City; to grant principal permitted use status to existing uses; to avoid creation of nonconforming uses; and to prohibit multifamily uses within the district except those uses existing as of the effective date of this section.
 - (1) Multifamily uses in the overlay district existing prior to the enactment of this section shall be deemed principal permitted uses and not subject to restrictions applicable to nonconforming uses.
 - (2) Multifamily uses, including apartments, garden apartments, mid-rise apartments and townhouses, other than those existing at the time of the enactment of this section, shall be prohibited in the Residential Overlay (RO) District. Existing multifamily uses destroyed after enactment of this section may be reconstructed as a principal permitted use.
 - (3) Single-family and duplex dwellings are principal permitted uses within the Residential Overlay (RO) District.
 - (4) The lot area, width and yard requirements in the Residential Overlay (RO) District shall be the same as the R-3 District.
- K. Integrated Business District.
 - (1) The purpose of the Integrated Business District (IBD) is to provide residential, recreational, educational, retail, entertainment, and other commercial uses in an aesthetically pleasing and functionally compatible manner, to complement existing residential areas, to blend development with the environmental characteristics of the land, and to facilitate the efficient delivery and use of public services. The object is to use site plan and architectural guidelines

to promote land use flexibility and design creativity, to create comfortable and harmonious development that appeals to people living, working, shopping, and socializing within the IBD. The IBD will seek to maintain a common theme and character through the use of specific zoning regulations, design requirements, and architectural review procedures established to encourage flexibility in land planning and generally to align the design, character, and quality of mixed uses. The IBD area west of the I-95 interchange will encourage mixed-use development consistent with the degree and intensity of Ripken Stadium and University Center architectural and design standards known already to attract social interchange through commercial, educational, entertainment, and recreational activity.

- (2) IBD site development requirements. All permitted uses within the IBD shall be subject to the following site development requirements:
 - (a) Site plan review will be in accordance with the Aberdeen Development Code and Subdivision Regulations,⁵ the Aberdeen overlay district regulations and design requirements,⁶ and the overall development goals of the IBD.
 - (b) Sidewalks shall be provided as an integral component of the development's articulation, design, and landscaping.
 - (c) Development within the IBD shall include pedestrian and vehicular connections to public roads serving existing or planned public transit, adjacent communities, and other off-site destinations.
- (3) Building setbacks. Unless otherwise noted, refer to § 235-21.
 - (a) Major arterial road rights-of-way, such as Churchville Road (MD 22), shall have a minimum building setback of 25 feet and shall have a landscaped area included in the setback area.
 - (b) Collector roads, such as Technology Drive and Long Drive, shall have a minimum building setback of 25 feet and shall have a landscaped area included in the setback area.
 - (c) Local roads, such as Gilbert Road and Aldino-Stepney Road, shall have a minimum building setback of 25 feet and shall have a landscaped area included in the setback area.
 - (d) A minimum twenty-foot landscaped area in addition to the building setback for the district shall be required for any commercial use adjacent to an existing residential use. Buildings cannot be located in the required landscaped area.

5. Editor's Note: See Ch. 475, Subdivision of Land.

6. Editor's Note: See § 235-40.

- (e) All residential development shall be in accordance with the R-3 residential requirements.
- (4) Height. The maximum height of any building shall be as follows:
 - (a) For properties fronting on MD 22, the maximum height shall be 40 feet.
 - (b) For all other properties located within the IBD, the maximum height shall be 80 feet.
 - (c) Residential dwellings located in the IBD shall not exceed a height of 40 feet.
 - (d) Accessory use structures shall not exceed a height of 20 feet.
- (5) Permitted drive-through lanes for any building in the IBD shall be located at the side or rear of the building. Access and stacking lanes serving the drive-through shall be located at the side or rear of the building.
- (6) Landscaping. The district shall include landscaping to enhance the streetscape, to form public spaces, to improve the quality of the natural environment, and to break up the impervious surface of parking lots. A minimum of 10% landscaping shall be required for all commercial and institutional uses. (See the Aberdeen overlay district regulations and design requirements⁷ for the IBD.)
- (7) Any side of a building facing a public way or a public space shall be finished with the same type of materials as the front facade of the building.
- (8) Truck parking and loading spaces shall not be visible from MD 22 and Long Drive.
- (9) Screening for dumpster enclosures and pads may be visible from MD 22 and Long Drive.
- (10) Open space may be designed for active recreation, passive recreation, pathways (other than sidewalks), conservation areas, and/or natural buffers.
- (11) Permitted uses in the IBD are provided in Appendix A, Table of Use Regulations.⁸
- (12) Freestanding artistic elements shall be permitted in the IBD, and the Architectural Review Committee shall have final design approval prior to building permit approval. The height of any artistic element shall not exceed 25 feet.

7. Editor's Note: See § 235-40.

8. Editor's Note: Appendix A is included as an attachment to this chapter.

- (13) The applicant shall prepare a preliminary site plan in accordance with the site development requirements in this section and/or the requirements of the Aberdeen Development Code, Subdivision Regulations,⁹ and the Aberdeen overlay district regulations and design requirements¹⁰ for review first by the Department of Planning and Community Development staff and the Architectural Review Committee prior to review and recommendation by the Planning Commission.
- (14) The Planning Commission shall hold a review of the preliminary site plan along with the Department of Planning and Community Development staff and Architectural Review Committee recommendations and make recommendations to the Mayor and City Council on the preliminary site plan upon finding that the preliminary site plan accomplishes the purposes, minimum standards, and requirements of the IBD.
- (15) Off-street parking and loading requirements shall comply with § 235-25 unless otherwise noted.
- L. I-95 Overlay District. The purpose of this district is to provide for residential, office, research and educational uses in a campus-like setting with complementary commercial/recreational uses. The Ripken Stadium and Ripken Academy are the major landmarks for this district and will attract interest across the United States and around the world. Thus, the principal vision for this area is to attract new development that will complement the strong aesthetic appeal of the Ripken complexes. The I-95 Overlay District boundaries are described as the properties bordering MD 22 (Churchville Road), Gilbert Road and I-95 located within the current City corporate limits. This district is subject to design requirements.
- M. Transit Oriented Development District.
- (1) The intent of the Transit Oriented Development (TOD) District is to implement and encourage the redevelopment of properties within the Aberdeen TOD. The TOD District is shown on the TOD Designated Area Map (June 20, 2012) that is referenced in § 235-42.
- (2) The TOD District provides specific standards necessary to promote the goals and objectives of the Aberdeen Comprehensive Plan and the Aberdeen TOD Master Plan (adopted by Resolution No. 12-R-01, May 7, 2012) that appears in § 235-42. These regulations are designed to maximize the development potential of the Aberdeen TOD to foster a mix of vertical and horizontal land uses, promote shopfronts and commercial uses at street level, accommodate wide pedestrian-friendly sidewalks and multimodal

9. Editor's Note: See Ch. 475, Subdivision of Land.

10. Editor's Note: See § 235-40.

streets, encourage upper-story residential and office uses, and provide on-site parking facilities in the rear and accesses when possible through rear alleys or side streets. The Aberdeen Comprehensive Plan Land Use Element Goals and Objectives specifically call for the adoption of development regulations to implement the TOD. These provisions have been further refined in the Aberdeen TOD Master Plan. In the event of a conflict between Subsection O and the remainder of the Development Code, Subsection O prevails. The TOD District allows a range of uses that may be permitted for properties within these areas to include a mix of residential, commercial and institutional uses. A complete listing of uses permitted in the TOD District is contained in Appendix A, Table of Use Regulations, in this chapter.¹¹

- (3) The TOD District regulations illustrate the types of streets, buildings, heights, and mixes of use that create the desired "form" presented in the Master Plan. TOD Master Plan Land Use Concepts (adopted by Resolution No. 12-R-01, May 7, 2012) was utilized as the basis for establishing the TOD Districts. The TOD District regulations provide for, among other subjects, the establishment of building type and orientation, site design, and other standards that apply to all development proposed to be constructed in the TOD District. The TOD District is transect-based with a corresponding regulating plan that prescribes the appropriate permitted uses, building heights, site design, building type, building frontage types, pedestrian environment and streetscape in the TOD Designated Area, based on the parcel's location. (See Aberdeen TOD Regulating Plan that appears in § 235-42.)

(a) The following TOD Districts are established:

- [1] TOD Neighborhood (TOD-N). The TOD Neighborhood District (TOD-N) consists of mixed uses but primarily residential and provides for a transition in development size from the adjacent TOD Districts to adjacent residential areas. Buildings range from two to four stories, include a variety of uses and building frontage types. Building placement and landscaping are variable, and streets include curbs and sidewalks to create a highly walkable district. This area is classified as the Transect Zone 4 and identified as "(T4)" on the Aberdeen TOD Regulating Plan.
- [2] TOD Corridor (TOD-C). The TOD Corridor (TOD-C) is an area in which parcels are generally within one block of US 40/Philadelphia Boulevard to promote a mix of commercial and residential redevelopment and to enhance areas adjacent to Aberdeen's compact, walkable downtown. An active primary frontage edge is created through vertical

11. Editor's Note: Appendix A is included as an attachment to this chapter.

mixed use as well as residential and workplace buildings. Street-fronting uses are required and will be supported by streetscapes that create a highly walkable zone. Buildings range from two to six stories with bonus provisions for up to two additional stories, include a variety of uses and building frontage types. Building frontages are configured and oriented to public streets. This area is classified as the Transect Zone five and identified as "(T5)" on the Aberdeen TOD Regulating Plan.

[3] TOD Downtown (TOD-D).

[a] The TOD Downtown (TOD-D) is an area of the highest intensity and greatest variety of uses, and is generally located within a one-block area of the Aberdeen MARC/Amtrak train station and the intersection of US 40 and West Bel Air Avenue. This area is classified as the Transect Zone 6 and identified as "(T6)" on the Aberdeen TOD Regulating Plan.

[b] The TOD-D is intended to be the heart of the TOD area and provide a highly visible presence and identity for Aberdeen along the US 40/Philadelphia Boulevard corridor and create a high-intensity, highly walkable mixed-use district with the following features:

[i] Buildings ranging from two to eight stories in height with bonus provisions for up to four additional stories.

[ii] Ground-floor shopfronts, with wide sidewalks to promote a highly walkable district.

[iii] Improved public spaces including public plazas, street trees, pedestrian-scale lights and public art.

[iv] The majority of parking is consolidated in structures, at curbs of public streets and behind buildings.

[4] Special District (SD).

[a] Special Districts (SD) are areas with buildings that by their function, disposition or configuration cannot or should not conform to the requirements of any of the TOD District zones or combination of zones. Examples include Aberdeen City Hall, the library, and the Aberdeen MARC/Amtrak train station and supporting parcels. Conditions for redevelopment or development for SD areas shall be subject to review

and approval by the Architectural Review Committee, Planning Commission and City Council.

[b] Park. Parks are public spaces that are available as recreational spaces that are accessible to, and adequate for, the recreational function and persons they are designed to serve, such as Festival Square.

(4) TOD District site development requirements. All permitted uses with the TOD District shall be subject to the following site development requirements. The provisions of the Aberdeen Development Code shall apply except as modified herein.

(a) Site plan review will be in accordance with this chapter and subdivision regulations.

(b) All development, redevelopment or additions to existing buildings within the TOD District shall be subject to review by the Architectural Review Committee for conformance with the standards established in this chapter.

(c) Streets within the TOD District shall be maintained or improved to enhance pedestrian, bicycle and vehicular connections.

(d) Street types reflect the character of the intensity of anticipated developments within the TOD District and are utilized to guide development standards such as minimum sidewalk widths, building siting, frontage type, and height.

(e) Sidewalks shall be provided and treated as an integral component of the development's design, landscaping and pedestrian connectivity. (See Illustrations 2 to 13.)

(5) Building placement. All building frontages in the TOD District shall be constructed at the required build to line to maintain the street edge and shall be oriented to the primary frontage of the lot. (See Illustration 22, Building Frontages.)

(a) Streets in the TOD Districts have been classified consistent with the following typologies. (See Illustration I, Street Typologies.)

[1] Arterial streets.

[a] Regional connector.

[b] Commercial primary.

[c] Village Center mixed-use.

[d] Residential.

[2] Collector streets.

- [a] Neighborhood principal streets.
 - [b] Village Center streets.
 - [c] Neighborhood minor streets.
- (b) Build to lines (BTL).
- [1] Build to lines within the TOD District are governed by the district designation as identified on the Regulating Plan, Street Typologies, and the identification of principal frontages. See Illustrations 1 to 18. Build to lines are determined by the location of the parcel in relation to the street types and width of sidewalk that serve the parcel as identified in the street profiles.
 - [2] Placement of future buildings will need to reflect either:
 - [a] Location of back of existing sidewalks consistent with the street profiles depicted in the Illustrations 2 to 17;
 - [b] Location of back of sidewalk following street reconstruction; or
 - [c] If street/sidewalk improvement has not yet taken place, approved City plans for sidewalk reconstruction/location that locate the back of the sidewalk.
 - [3] Build to line/primary building frontage.
 - [a] The Build to line (BTL)/primary building frontage requires the implementation of minimum sidewalk improvements as depicted in Illustrations 2 to 17. This dimension is located at the line at the back of the sidewalk along a primary street and is the BTL as shown in Illustration 23, Frontage Build to Line.
 - [b] The BTL shall not exceed the maximum dimensions necessary to satisfy any required right-of-way. BTL shall be measured from the back of curb, rather than parcel line, and shall consist of the following widths and are further identified on the applicable Illustrations 2 to 17 for the street that the lot's frontage is located on:

Street Frontage Types	Build To Line	
	Minimum (feet)	Maximum (feet)
Village Center mixed-use arterial		
North Philadelphia Boulevard (US 40N)	12	20
South Philadelphia Boulevard (US 40S)	20	24
Village Center collector streets		
Main Street (MS)	8	20
Festival Street (FS)	10	50
Neighborhood principal streets		
Street with limited on-street parking (STL)	10	14
Street with no on-street parking (STN)	10	14
Neighborhood street (NS)	10	14
Neighborhood minor streets	10	14

[4] Secondary frontage build to line (BTL). Secondary frontage BTL is applicable when a parcel is a corner lot bordered by two streets. This dimension is located at the line at the back of the sidewalk and is the secondary frontage BTL as shown in Illustration 23, Frontage Build to Line. Building frontage standards are those noted above for primary building frontage and further defined on the applicable Illustrations 2 to 17 for the street that the lot's secondary frontage is located on. The secondary frontage BTL shall maintain a minimum of 10 feet.

[5] Festival Square buffer BTL. To preserve large growth trees and/or areas appropriate for forest conservation, the BTL may be adjusted to provide a buffer of up to 50 feet on parcels fronting a Festival Square street as provided in Illustration 28, Festival Square Buffer.

- (c) Building disposition. The placement of a building on its lot is governed by the property's TOD District designation. Building types are identified by building style and the corresponding

yard type. Building types include edgeyard, sideyard, rearyard, and courtyard. (See Illustration 21, Building Disposition). The rearyard building type is the most common type found in the TOD area and is characterized with shopfront facades continuously lining the street and with parking provided in the back.

(d) Building frontages.

- [1] Allowable extensions beyond the build to line. Awnings, porches, stoops, stairs and entrance overhangs, are permitted to extend beyond the build to line, provided a minimum of at least five feet of unobstructed sidewalk is maintained. Examples of extension are shown in Illustration 22, Building Frontages. Balconies, upper-story bay windows, eaves and building entrance overhangs such as canopies and awnings may extend beyond the build to line up to a maximum of seven feet along Village Center mixed-use arterials, up to six feet along Village Center collector streets and up to five feet along alleys, and neighborhood minor and principal streets. All permitted overhangs must provide a minimum of eight feet clear height above sidewalk grade.
- [2] Frontage buildout. In the TOD-C and TOD-D Districts, the minimum frontage buildout shall be 80% of the lot frontage. In order to connect the public sidewalk with courtyards and parking lots in the interior or at the rear of a parcel, development may incorporate a passage that counts towards the frontage coverage requirements. The minimum width of a passage shall be eight feet and not exceed 20% of the lot frontage. (See Illustration 27, Open Space Types, and Illustration 29, Passage.)
- [3] Retail/commercial shopfronts and opacity requirements.
 - [a] Buildings that front streets identified as primary frontages on the Retail/Commercial Shopfronts Illustration 19, are required to provide a shopfront at the sidewalk level along the entire building frontage that is designed to support retail and commercial uses. Buildings that front streets identified as secondary frontages (Illustration 19, Retail/Commercial Shopfronts) are encouraged to provide a shopfront at the sidewalk level along the length of the entire building frontage. The shopfront shall be no less than 70% glazed in clear glass. (See Illustration 20, Opacity/Windows.)
 - [b] High-quality materials should be used for shopfronts such as crafted wood, stainless steel, bronze, and

other ornamental metals. Detailing such as carved woodwork, stonework, or applied ornament should be used, to create noticeable detail for pedestrians and patrons. Doors may be flanked by columns, decorative fixtures or other details.

- [4] Expression line. An expression line shall delineate the division between the first story and the second story. A cornice shall delineate the tops of the facades. Expression lines shall either be moldings extending a minimum of two inches, or jogs in the surface plane in the building wall greater than two inches. Cornices shall extend a minimum of 10 inches from the cornice wall. See Illustration 43, Expression Line, and Illustrations 38 and 39, Height Variations with Two-Story Building.
- [5] Build-to-corner. Buildings must "hold the corner" of the parcel at the intersection of two primary streets. The build-to-corner location is defined by the required build to lines. Where the build-to-corner building placement is required, new development must meet this requirement by siting the building at its street corner. Where an intersection is formed with a state road, state sight distance criteria shall also be applied. (See Appendix B.¹²)
- (e) Side yard setback. There is no minimum side yard setback between buildings or minimum space between buildings. In TOD-C and TOD-D Districts, the maximum side yard setback is 24 feet.
- (f) Rear setback.
 - [1] Rear setbacks must be maintained to accommodate rear alley maintenance.
 - [2] Maintenance of Aberdeen's existing interconnected rear alley system is vital to street network and ensuring mobility within these TOD Districts.
 - [3] The minimum rear setback shall be 10 feet. When abutting residential uses, the minimum rear setback shall be consistent with § 235-30, Buffer yards.
- (g) Alley setback. Alley setback is the minimum distance from the alley edge of pavement to any building. The minimum alley setback shall be 10 feet.
- (h) Space between buildings. There is no minimum space between buildings.

(6) Height.

- (a) To implement the ambiance and scale of the TOD area, no building or structure shall be erected or altered to exceed the following dimensions:
 - [1] In the TOD-N, the maximum building height shall be limited to a maximum of 52 feet or four stories; the minimum building height shall be 20 feet or two stories. (See Illustration 30, TOD-N Height, and Illustration 35, Floor Heights by Story.)
 - [2] In the TOD-C, the maximum building height shall be limited to a maximum of 76 feet or six stories; the minimum building height shall be 21 feet or two stories. (See Illustration 31, TOD-C Height, and Illustration 35, Floor Heights by Story.)
 - [3] In the TOD-D, the maximum building height shall be limited to a maximum of 100 feet or eight stories; the minimum building height shall be 21 feet or two stories. (See Illustration 32, TOD-D Height, and Illustration 35, Floor Heights by Story.)
- (b) Bonus height. As an incentive to include structured parking in new buildings and preserve and publicly dedicate parks and open space, additional bonus stories may be granted for only one of the following provisions:
 - [1] Parking bonus. Within the TOD Districts, if structured parking is incorporated into the building, a parking height bonus of one additional building story may be approved for every floor of parking, ranging from one to four additional stories in TOD-D and from one to two additional stories in TOD-C. (See Illustrations 33 and 34, Open Space and Parking Bonus Height, and Illustrations 36 and 37, Floor to Ceiling Heights.)
 - [2] Preservation-of-open-space bonus. If public parks and/or plazas are dedicated and preserved within the TOD Districts, an open-space height bonus may be approved ranging from one to four additional stories in TOD-D and from one to two additional stories in TOD-C. (See Illustrations 33 and 34, Open Space and Parking Bonus Height, and Illustrations 36 and 37, Floor to Ceiling Heights.)
- (c) Two-story minimum. A minimum building height of two enclosed floors of use is encouraged for all new development and redevelopment in the TOD Districts. Alternatively, when two enclosed floors of use are not warranted, the structure must be designed to support future upper-story construction

and provide minimum twenty-three-foot front facade emulating a two-story structure. (See Illustrations 38 and 39, Height Variations with Two-Story Building.)

- (7) Any drive-through windows and stacking lanes in the TOD Districts shall be located at the rear of the building in mid-block and alley accessed locations provided they do not substantially disrupt pedestrian activity or surrounding uses.
- (8) Outdoor dining shall be permitted on parcels fronting West Bel Air Avenue and US 40 in locations that provide sidewalks of at least 12 feet in width and maintain a minimum ten-foot pedestrian and landscape area.
- (9) Landscaping.
 - (a) Street trees and/or environmental site design (ESD) planting areas are required along all public frontages and must meet applicable stormwater management requirements. (See Illustrations 25 and 26, Sidewalk Widths, Planting Areas and ESD.)
 - (b) The use of street trees or ESD planting areas are encouraged to match on both sides of the block.
 - (c) One street tree shall be planted in the landscaped area for every 25 feet of street frontage. The planting area for the street tree shall be located at back of curb, shall be a minimum of four feet by four feet in size. Minimum size of the planting area varies by sidewalk depth based on street frontage type. (See Illustrations 25 and 26, Sidewalk Widths, Planting Areas and ESD.)
 - (d) Within the TOD Districts, the types of street trees permitted shall be deciduous, ornamental or flowering trees of two-inch caliper or greater at the time of planting diameter at breast height (DBH) and minimum of eight feet in height. Tree species should be appropriate for height constraints associated with any urban overhead utilities or other obstacles. Planting of native species is encouraged.
 - (e) ESD areas shall consist of areas located at the back of curb which are a minimum of four feet by four feet in size and shall be located at least 12 feet apart. Maximum size varies by street frontage type, due to required sidewalk widths. (See Illustrations 25 and 26, Sidewalk Widths, Planting Areas and ESD.)
- (10) Open space. Open space within the TOD Districts shall consist of areas designated for active recreation, passive recreation, plazas, pathways, passages, sidewalks, ESD and tree planting areas,

conservation areas, and/or natural buffers as provided in Illustrations 25 to 29.

- (11) Signage. Signs in the TOD Districts shall be one of the types shown in Illustration 44, Signage, and shall be consistent with the provisions of the Aberdeen Sign Regulations.

§ 235-19. Use table.

See Appendix A for uses principally permitted and permitted by special exception within each district.¹³ Temporary uses are regulated by § 235-29.

13.Editor's Note: Appendix A is included as an attachment to this chapter.

ARTICLE IV
Provisions Applicable to All Districts

§ 235-20. General lot requirements.

- A. Every building hereafter created, reconstructed, converted, moved or structurally altered shall be located on a lot of record, and in no case shall there be more than one principal building on one lot except as provided below:
 - (1) Apartment buildings.
 - (2) Commercial or industrial buildings.
 - (3) Condominiums.
 - (4) Office/research/educational or industrial.
 - (5) Public, semipublic or institutional buildings.
 - (6) Shopping or retail centers.
 - (7) Retirement community.
- B. Construction of any building or portion thereof outside the buildable area of the lot shall not be permitted.
- C. Access to public street. Every lot shall front on a public street and shall have the minimum width at the building setback line required for the zoning district. No panhandle lot shall be permitted. All new dwellings will be constructed on an improved public street and have access to a sidewalk on either or both sides of the improved street in front of the residence.
- D. Sight triangle.
 - (1) Except in instances where traffic visibility is not impacted due to one-way traffic patterns, no sign, fence, wall, hedge, planting, structure, unit or other temporary or permanent obstruction to vision, extending to a height in excess of three feet above the established street grade, shall be erected, planted, placed or maintained within the sight triangle of an intersection.
 - (2) Where an intersection is formed with a state road, state sight distance criteria shall also be applied. (See Appendix B.)¹⁴
 - (3) Poles, posts and guys for streetlights and other utility services shall not be considered obstructions to vision within the meaning of this subsection.

14. Editor's Note: Appendix B is included as an attachment to this chapter.

§ 235-21. Lot area, width and yard requirements.

Table I specifies the minimum lot area, width and yard requirements to be provided in the various residential zoning districts for the principal uses enumerated. Table II specifies the minimum lot area, width and yard requirements to be provided in the various commercial and industrial zoning districts for the principal uses enumerated. Table III specifies the minimum lot area, width and yard requirements for various institutional uses enumerated.

- A. Division of building, parcel or lot. Division of existing buildings, parcels or lots shall not be permitted if the proposed division would create buildings or lots which do not comply with the requirements of this section.
- B. Lack of public facilities. In any district where either a public water supply or public sanitary sewer is not accessible and where an acceptable community water supply and sewerage system is not provided, the required lot areas shall be determined in accordance with applicable State Department of Health and Mental Hygiene and Maryland Department of the Environment regulations, unless such regulations require a lot size less than the minimum otherwise specified for in the zoning district.

Table I: Lot Area, Lot Width and Yard Requirements for Residential Zoning Districts

Uses	Lot Area (square feet)	Lot Width (feet)	Lot Area Per Family	Front Yard Depth (feet)	Rear Yard Depth (feet)	Side Yards	
						Least Width (feet)	Sum of Widths (feet)
Dwelling, detached, single-family R-1	15,000	100	15,000	40	50	15	30
Dwelling, detached, single-family, accessory apartment R-1					25		
Dwelling, detached, single-family R-2	7,200	60	7,200	30	40	10	20
Dwelling, detached, single-family, accessory apartment R-2					20		

Table I: Lot Area, Lot Width and Yard Requirements for Residential Zoning Districts

Uses	Lot Area (square feet)	Lot Width (feet)	Lot Area Per Family	Front Yard Depth (feet)	Rear Yard Depth (feet)	Side Yards	
						Least Width (feet)	Sum of Widths (feet)
Dwelling, detached, single-family R-3	5,000	50	5,000	25	35	7	14
Dwelling, detached, single-family, accessory apartment R-3					20		
Dwelling, duplex R-2	9,000	80	4,500	30	40	14	28
Dwelling, duplex R-3	7,000	70	3,500	25	35	12	24
Dwelling, apartments R-3	7,500	75	2,500	25	35	10	25
Dwelling, zero lot line R-2	5,500	55	5,500	30	40	0	25
Dwelling, zero lot line R-3	4,500	50	4,500	25	35	0	20
Dwelling, townhouses, per unit R-3, for interior units	2,000	20	2,000	25	35	0	0
Dwelling, townhouses, per unit R-3, for end units	2,000	24	2,000	25	35	15	30

Table II: Lot Area, Lot Width and Yard Requirements for Commercial, Industrial and Integrated Business Zoning Districts

Uses	Lot Area (acres)	Lot Width (feet)	Front Yard Depth (feet)	Rear Yard Depth (feet)	Side Yards	
					Least Width (feet)	Sum of Widths (feet)
B-1	N/A	50	25	25*	*	*
B-2	N/A	50	5	10*	*	*

Table II: Lot Area, Lot Width and Yard Requirements for Commercial, Industrial and Integrated Business Zoning Districts

					Side Yards	
					Least	Sum of
	Lot Area	Lot Width	Front Yard Depth	Rear Yard Depth	Width	Widths
Uses	(acres)	(feet)	(feet)	(feet)	(feet)	(feet)
B-3	N/A	50	5	25*	*	*
M-1	1	200	50	50*	25*	50*
M-2	1	200	50	50*	30*	70*
IBD	N/A	N/A	25	25	10	20

* See § 235-30, Landscaping, outdoor lighting and buffer yards.

Table III: Lot Area, Lot Width and Yard Requirements for Specific Institutional Uses

					Side Yards	
					Least	Sum of
	Lot Area	Lot Width	Front Yard Depth	Rear Yard Depth	Width	Widths
Uses	(acres)	(feet)	(feet)	(feet)	(feet)	(feet)
Churches R-1	3	200	40	50	25	50
Churches R-2	3	200	30	40	25	50
Churches R-3	3	200	25	40	25	50
Schools	3	200	40	50	25	50

- C. Transit Oriented Development District. This section is not applicable within the Transit Oriented Development Districts.

§ 235-22. Minimum floor area.

- A. Every dwelling unit shall have a floor area not less than the area specified in Table IV for the dwelling type and zoning district in which it is located.
- B. Floor areas shall be measured from outside walls enclosing usable finished floor space and shall not include unfinished basements, cellars, garages, unfinished attic space, attached storage buildings, open porches or steps.

**Table IV: Minimum Floor Area Requirements for Dwelling Units
Area Required Per Unit**

Dwelling Type	(square feet)	
	1 Story	1 1/2 to 2 1/2 Stories
Dwelling, detached, single-family R-1	1,200	1,400
Dwelling, detached, single-family R-2	900	1,000
Dwelling, detached, single-family R-3	720	900
Dwelling, duplex R-2	900	1,000
Dwelling, duplex R-3	720	900
Dwelling, apartments	500	500
Dwelling, townhouses	720	900

Dwellings located in other than residential zoning districts shall comply with the minimum floor area requirements of the R-3 Residential District.

- C. Transit Oriented Development District. This section is not applicable within the Transit Oriented Development Districts.
- D. Dwellings located in other than residential zoning districts shall comply with the minimum floor area requirements of the R-3 Residential District unless otherwise noted.
- E. Any permitted accessory apartment shall not exceed 50% of the above-grade living area of the principal use or structure as shown in the records of the Maryland Department of Assessments and Taxation.

§ 235-23. General yard requirements.

- A. Corner lots. The same front yard depth shall be required of both front lot lines.
- B. Through lots. The same front yard depth shall be required of both front and rear lot lines.
- C. Side and rear yard depth. The minimum side and rear yard depth shall be measured in the following manner:
 - (1) Perpendicularly from rear or side lot lines at the closest points to the proposed or existing structure.
 - (2) For any project without individual lots, the side and rear yard shall be measured along the boundaries of the parcel.

- D. For irregular lots, the front, rear and side yard widths shall be measured from the portion of structure closest to the lot line.
- E. Exceptions and modifications to minimum requirements for projections into yards. The following structures shall be allowed to project into the minimum required yard setback not to exceed the following dimensions:
 - (1) Awnings, canopies, cornices, eaves or other architectural features: three feet.
 - (2) Bay windows, balconies, chimneys, porches: three feet.
 - (3) Uncovered stairs or necessary landings: six feet.
 - (4) Patios and decks (not enclosed) not exceeding 240 square feet may extend 15 feet into the rear yard setback.
- F. Fences may be located in required yards in accordance with the following:
 - (1) Residential zoning districts.
 - (a) Front yards. Fences shall not exceed four feet in height above ground elevation. No walls or chain-link fences are permitted in the front yard.
 - (b) Rear and side yards. Fences shall not exceed six feet in height above ground elevation and may be located in any rear or side yard.
 - (c) All fences will be constructed with the finished side facing the neighboring parcel or the street.
 - (d) The use of barbed wire shall not be permitted in any residential district.
 - (e) Stormwater management facilities are required to be fenced and gated in accordance with stormwater management regulations. In residential districts, the fencing shall be approved by the Aberdeen Department of Public Works and will complement the architectural features of the neighborhood.
 - (f) All fences shall be maintained in a structurally sound manner.
 - (2) Commercial, or industrial zoning districts.
 - (a) Chain-link security fences not exceeding a total of eight feet in height above the elevation of the surface may be located around commercial or industrial structures located in any commercial or industrial district or around any public utility substation.

- (b) A barbed-wire guard not exceeding two feet in vertical height may be added to such a fence, provided that no barbed wire may be placed less than eight feet from the ground.
- G. Transit Oriented Development District. This section is not applicable within the Transit Oriented Development Districts.

§ 235-24. General height requirements.

- A. Residential zoning districts.
 - (1) Requirements in the R-1 Zoning District:
 - (a) No principal structure shall exceed 40 feet in height.
 - (b) No accessory structure shall exceed 20 feet in height.
 - (2) Requirements in the R-2 Zoning District:
 - (a) No principal structure shall exceed 40 feet in height.
 - (b) No accessory structure shall exceed 20 feet in height.
 - (3) Requirements in the R-3 Zoning District:
 - (a) No principal structure shall exceed 50 feet in height.
 - (b) No accessory structure shall exceed 20 feet in height.
- B. Commercial and industrial zoning districts.
 - (1) Except as provided in Subsection C(1), buildings and structures shall not exceed 60 feet in height in any B Districts.
 - (2) Except as provided in Subsection C, buildings and structures shall not exceed 60 feet in height in an industrial district.
- C. Exceptions and modifications to maximum height requirements.
 - (1) General exceptions. The building height limitations shall not apply to the following:
 - (a) Fire or parapet walls, cell towers, steeples, flagpoles, and radio and television antennas.
 - (b) Bulkheads, roof structures, water tanks, ventilating fans or similar mechanical equipment required to operate and maintain the building.
 - (c) Integrated Business District.
 - (d) Transit Oriented Development Districts.
 - (e) Hospitals. **[Added 8-27-2018 by Ord. No. 18-O-26]**

- (2) General modifications in industrial districts. Grain elevators, gas holders, and other similar structures may have a maximum height of 125 feet. Whenever any building or structure adjoins or abuts a residential district, such building or structure shall not exceed 60 feet in height unless set back one foot from all required lot lines for each foot of additional height above 60 feet.

§ 235-25. Off-street parking and loading requirements.

- A. Generally. No structure shall be erected, substantially altered, or its use changed unless permanent off-street parking and loading spaces have been provided in accordance with this chapter. In the I-95 and Downtown Revitalization Overlay Districts and the Integrated Business District, the special parking provisions described therein will apply unless noted otherwise for specific uses. Parking requirements are specified for particular uses in Subsection B of this section. Issuance of any building permits or use and occupancy certificates shall not be granted until a plot plan showing such off-street parking as is herein required is submitted and approved by the Zoning Administrator. The number of parking spaces required shall be based on the gross floor area of the use, excluding incidental storage, mechanical areas, preparation areas, and common areas such as public corridors, stairwells, and elevators.
 - (1) Parking requirements may be provided in attached or detached garages, in off-street parking lots or on parking pads on the lot.
 - (2) Each required off-street parking space shall measure a minimum of nine feet in width by 18 feet in length. Parking spaces for the physically handicapped shall meet the Americans with Disabilities Act (ADA).
 - (3) In the B-1, B-2, and B-3 Districts, all commercial vehicles owned or possessed by an owner of property or the owner's tenants, including vehicles used in connection with a business on the property, must be parked in the rear of the property.
 - (4) All parking areas, loading areas and driveways shall be constructed of concrete or bituminous materials.
 - (5) All parking areas shall be marked to provide orderly and safe loading, parking, and storage.
 - (6) Parking lot landscaping requirement: 10% of the required parking area shall be landscaped. The parking area shall be set back a minimum of five feet from collector road rights-of-way and 10 feet from arterial road rights-of-way. A landscape plan will be required and prepared by a licensed landscape architect and submitted to the Department of Planning and Community Development for review and approval.

- (7) Common residential parking areas shall include access into adjoining properties.
- (8) Two access points are required for more than 100 residential dwelling units and hotels with more than 100 rooms.
- (9) The parking lot lighting shall be directed downward and not onto adjacent properties.
- (10) Drive aisle widths shall be a minimum of 24 feet in width.
- (11) Shared parking facilities may be allowed after reviewing the different uses within an individual building or adjacent buildings or properties located within 500 feet of the subject property's boundaries based on a parking impact study provided by the developer(s) or owner(s) establishing that the estimated peak demand for parking required by the users will be satisfied due to differing hours of peak demand. If approved, a shared parking plan shall be enforced through written agreement and approved by the Zoning Administrator.
 - (a) Agreement for shared parking plan. A draft copy of the agreement between the owners of record shall be submitted to the Zoning Administrator, who shall forward a copy to the City's legal counsel for review. After approval, the agreement shall be recorded in the land records of Harford County and a copy presented to the Zoning Administrator prior to issuance of a certificate of occupancy. The agreement shall:
 - [1] List the names and ownership interest of all parties to the agreement and contain the signatures of those parties;
 - [2] Provide a legal description of the land;
 - [3] Include a site plan showing the area of the parking parcel;
 - [4] Describe the area of the parking parcel and designate and reserve it for shared parking unencumbered by any conditions which would interfere with its use;
 - [5] Agree and expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;
 - [6] Ensure the continued availability of the spaces for joint use and provide assurance that all spaces will be usable to all participating uses;
 - [7] Describe the obligations of each party, including the maintenance responsibility for the parking area and any open space;
 - [8] Incorporate the parking impact study by reference; and

[9] Describe the method by which the covenant shall, if necessary, be revised.

- (b) Change in use. Should any of the shared parking uses be changed, or should the Zoning Administrator find that any of the conditions described in the approved parking impact study or agreement no longer exist, the owner shall have the option of submitting a revised parking impact study and an amended shared parking agreement in accordance with the standards of this subsection, providing the number of spaces required for each use as if computed separately.
 - (c) Revocation of permits. Failure to comply with the shared parking provisions of this subsection shall constitute a violation of this chapter and shall specifically be cause for revocation of a certificate of occupancy.
- (12) General requirements for parking lot/driveway design, construction, and maintenance are as follows:
- (a) Parking areas shall be designed so that vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve one or two dwelling units, although backing onto arterial streets is discouraged.
 - (b) Parking areas shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.
 - (c) Parking areas shall be designed so that vehicles cannot extend beyond the perimeter of any such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction. Bumper blocks or other means may be required to ensure this provision.
 - (d) Access to parking areas shall be designed so as not to obstruct free flow of traffic. There shall be adequate provision for ingress to and egress from all parking spaces to ensure ease of mobility, ample clearance, and safety of vehicles and pedestrians.
 - (e) Any required parking area shall be continually maintained in good, serviceable condition with striping clearly visible so as to be safe, attractive, and free of any hazard, nuisance or other unsafe condition. Commercial parking areas shall be maintained to ensure customer safety. All potholes or similar hazards shall be repaired promptly upon written notification by

the City. In no case shall such conditions exist for more than 60 days.

- B. Parking space requirements. When determination of the number of required parking spaces results in a fractional space, any fraction of 1/2 or less may be disregarded, while a fraction in excess of 1/2 shall be counted as one parking space. Unless otherwise provided, the following off-street parking space requirements shall apply:

Required Off-Street Parking by Use/Activity

Use or Use Category	Spaces Required Per Unit
Residential	
Age-restricted housing	2 spaces per dwelling unit
Apartment accessory to a commercial use	1.5 spaces per dwelling unit
Apartment accessory to primary residence	1 space per dwelling unit
Apartments/condos	
1 bedroom	1.5 spaces per dwelling unit
2 bedrooms	2 spaces per dwelling unit
For each bedroom over 2	1 space per bedroom
Assisted living facility	1 space per staff and 1 space per 2 residents
Bed-and-breakfast	1 space per room or unit which is rented plus 1 space per employee
Continuing care facility	1 space per staff and 1 space per 2 residents
Day care (family)	2 spaces per dwelling unit plus 1 space per employee
Dwelling, detached, modular	2 spaces per dwelling unit
Dwelling, detached, single-family	2 spaces per dwelling unit
Dwelling, attached, single-family (duplex and townhouse)	2.5 spaces per dwelling unit
Halfway house	1 space per staff person and 1 space per 2 residents
Personal care home	3 spaces per every 5 beds
Commercial	
Agricultural machinery sales and service	1 space per 200 square feet of retail area plus 1 space per 800 square feet of storage area

Required Off-Street Parking by Use/Activity

Use or Use Category	Spaces Required Per Unit
Athletic facilities or clubs (indoor)	1 space per 200 square feet of gross floor area
Auction house	1 space per 6 seats or 1 space per 400 square feet, whichever is greater
Automobile or boat sales/rental	1 space per 300 square feet of gross floor area (excluding storage areas)
Automobile car wash	1 space per 2 employees plus 7 stacking spaces per washing lane
Automobile repair shop	1 space per 100 square feet for the station, minimum of 8
Automotive painting and body work	1 space per 200 square feet of gross floor area
Banks or financial institutions with or without drive-through facilities	1 space per 300 square feet of gross floor area without drive-through facilities and stacking for 4 vehicles at each drive-through lane or automated teller machine (ATM)
Banquet facility	1 space per 3 seats, plus 1 space per every 1.5 employees
Brewpubs	1 space per 3 patron seats plus 1 space per employee
Bus station, train station, taxi depot and transit center	1 space per 200 square feet of gross floor area, minimum of 10 spaces per facility
Business services	1 space per 200 square feet of gross floor area, plus 1 space per each full-time employee
Coliseums, arenas, stadiums and sports camp	1 space per 4 seats (restaurant/banquet/retail to be treated separately)
Commercial, amusement, entertainment and recreational facilities	1 space per 300 square feet of gross floor area of any building; golf course, 4 spaces per hole; bowling alley, 4 spaces per lane
Conference center	1 space per 4 seats (restaurant/banquet to be treated separately)
Construction services and suppliers	1 space per 200 square feet of retail area, plus 1 space per 800 square feet of storage area

Required Off-Street Parking by Use/Activity

Use or Use Category	Spaces Required Per Unit
Convenience retail establishment with accessory fuel pumps	1 space per 300 square feet of gross retail floor area plus 2 stacking spaces per side of each fuel pump island
Day-care center (group)	1 space per employee and 1 space per 10 children/students
Day spa	1 space per 100 square feet of gross floor area
Dental office	5 spaces per dentist
Dormitory	1 space per 2 beds
Fortune-telling	1 space per 200 square feet of gross floor area
Fuel storage facility	1 space per each employee at largest shift
Funeral home	1 space per 100 square feet of gross floor area
Greenhouse/nursery	4 spaces per 1,000 square feet of gross floor area
Heliports and helistops	1 space per pilot and passenger
Hotel, full-service/motel	1 space for every room plus 2 spaces for each management staff (restaurant/banquet/retail in motel/hotel to be treated separately)
Kennel	1 space per 200 square feet of gross floor area
Liquor store	1 space per 200 square feet of gross floor area
Medical cannabis dispensary	1 space per employee at largest shift
Medical cannabis grower	1 space per employee at largest shift
Medical cannabis processor	1 space per employee at largest shift
Medical services	5 spaces per doctor
Microbreweries	1 space per 3 patron seats plus 1 space per employee
Mini-warehouse facilities	1 space per employee
Mobile home sales office	1 space per 300 square feet of gross floor area
Movie theaters	1 space per 4 seats
Nightclubs, lounges, bars and taverns	1 space per 3 persons permitted under the State Fire Code

Required Off-Street Parking by Use/Activity

Use or Use Category	Spaces Required Per Unit
Office building	1 space per 300 square feet of gross floor area
Open-air market (farm, craft and produce markets)	1 space per 200 square feet of lot area used for storage, display or sales
Personal services	1 space per 200 square feet of gross floor area
Pet store	1 space per 200 square feet of gross floor area
Pharmacy with or without drive-through facilities	1 space per 200 square feet of gross floor area and stacking for 4 vehicles at each drive-through lane
Radio and television station	1 space per employee at largest shift plus 4 visitor spaces
Restaurant	1 space per 3 patron seats plus 1 space per employee at largest shift and 2 spaces for carry-out service (if needed)
Restaurant with drive-through facility	1 space per 3 patron seats plus 1 space per employee at largest shift and 7 stacking spaces for drive-through window
Retail uses (unless specified otherwise)	1 space per 200 square feet of retail sales area
Shopping center	
Under 400,000 square feet	4 spaces per 1,000 square feet
400,000 to 599,999 square feet	4.5 spaces per 1,000 square feet
600,000 square feet and above	5 spaces per 1,000 square feet
Tattoo parlors	1 space per 200 square feet of gross floor area
Truck repair, truck service station, or truck terminal	1 space per 200 square feet of gross floor area
Veterinary services	1 space per 300 square feet of gross floor area
Warehouse establishments	1 space per employee at largest shift
Welding and metal fabrication	1 space per 200 square feet of gross floor area
Wholesale establishments	1 space per employee at largest shift

Industrial

Required Off-Street Parking by Use/Activity

Use or Use Category	Spaces Required Per Unit
Any manufacturing use	1 space per employee at largest shift
Institutional	
Art galleries	1 space per 400 square feet of gross floor area designated for public use
Auditoriums/lecture halls/convention centers	1 space per 3 persons based on designed capacity of building
Community center	1 space per 250 square feet of gross floor area
Emergency medical service, fire station or police station	1 space per employee on largest work shift
Hospital, nursing and other medical treatment or skilled care facilities	1 space per inpatient and/or outpatient bed plus 2 spaces per 3 employees on the largest work shift plus 1 space per staff doctor
Libraries and museums	1 space per 400 square feet of gross floor area for public use
Places of religious worship and affiliated schools	1 space per 3 seats in the main chapel plus 1 space for each teacher
Public or governmental buildings	1 space per employee at largest shift and designated visitor spaces
Public utilities	1 space per employee at largest shift and designated visitor spaces
Schools, colleges and universities, elementary and secondary, trade and vocational	1 space per 3 college or university students; 1 space per every 6 high school students; 1 space per every 15 elementary students
Social or fraternal clubs, lodges, union halls and similar uses	1 space per 3 persons permitted under Fire Code

C. Off-street loading areas.

- (1) Any use which regularly receives deliveries or shipments must provide off-street loading areas in accordance with the requirements specified below:

Gross Floor Area of Building (square feet)	Number of Spaces Required
1,000 to 19,999	1
20,000 to 79,999	2
80,000 to 127,999	3

**Gross Floor Area of Building Number of Spaces Required
(square feet)**

128,000 to 191,999	4
192,000 to 255,999	5
256,000 to 319,999	6
320,000 to 391,999	7
392,000 and more	8

- (2) Minimum dimensions of 12 feet by 55 feet and overhead clearance of 14 feet from street grade are required.
 - (3) Loading and unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from public rights-of-way and complete the loading and unloading operations without obstructing or interfering with any public right-of-way, parking space, parking lot aisle or pedestrianway.
 - (4) No loading and unloading areas may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading.
 - (5) Loading spaces shall be located at least 50 feet from any residential use, unless the loading space is totally enclosed within a building or screened by a hedge, wall, or solid board fence at least six feet in height.
- D. Parking and loading space reduction. A request for a reduction in the number of required parking or loading spaces may be made by filing an application for a waiver with the Zoning Administrator. Upon receipt of an application for a parking or loading space waiver, a public hearing shall be scheduled before the Board of Appeals. A waiver or reduction of the parking and loading requirements in any district may be permitted by the Board of Appeals whenever the character or use of the building is such as to make full provision of the specific parking and loading requirements unnecessary, or where adequate community loading facilities are provided on site, or where, due to problems of access or to the size of the lot, the provision of the required loading spaces is impractical.
- (1) In permitting such a waiver for new construction, the Board of Appeals must find the following:
 - (a) The requirements for parking and loading would result in particular or exceptional difficulties upon the owner of such property; and

- (b) Such relief can be granted without substantial impairment of the intent or purpose of this section.
 - (2) In permitting such a waiver for existing buildings, the Board of Appeals must find the following:
 - (a) The proposed new use of the building would normally require fewer spaces than the prior use;
 - (b) The reduced number of spaces will be adequate to accommodate the proposed use; and
 - (c) Any such reduction in required spaces shall be restricted to such proposed new use only and shall not operate to permit a later occupancy of such building if the use is substantially changed or enlarged, unless approved by the Board of Appeals.
 - (3) A copy of the Board of Appeals decision on any approved parking and loading space reduction shall be attached to the building permit and/or any certificate of occupancy permit.
- E. There are no off-street parking requirements for the Transit Oriented Development Districts.

§ 235-26. Outdoor storage.

- A. Outdoor storage in commercial, industrial, and TOD districts must meet the following requirements:
- (1) Outdoor storage areas must be surrounded by a uniformly finished fence or wall not to exceed the height of the building.
 - (2) Such wall or fence shall be maintained in good repair.
 - (3) The items being stored within the wall or fence shall not exceed or be stacked to exceed the height of the wall or fence.
 - (4) Storage of cars and trucks used in connection with the permitted trade or business shall be permitted without restriction.
 - (5) Storage trailers or shipping containers cannot be used for habitation.
- B. Storage of construction equipment is not permitted in the R-1, R-2, R-3, B-1, IBD or TOD Districts.
- C. Temporary storage containers or similar storage units shall be permitted for no more than 30 days with an approved building permit.

§ 235-27. Accessory uses and other restrictions.

- A. Generally. Except as otherwise restricted by this chapter, customary accessory structures and uses shall be permitted in any district in connection with the principal permitted use within such district.

- B. No accessory use shall be permitted without a principal use.
- C. No accessory use or structure shall be established on any lot prior to substantial completion of the construction of the principal structure.
- D. No accessory use or structure shall increase any impervious surface area beyond the maximum permitted.
- E. No accessory use or structure on any lot shall be established within the required front yard, except signs, fences, walls or parking area, and projections or garages as specified in the exceptions and modifications to minimum yard requirements.
- F. No accessory use or structure, except fences, shall be located within any recorded easement area.
- G. An accessory structure shall be located at least six feet from any other building on the same lot and at least six feet from side and rear property lines.
- H. Accessory uses in residential districts. The following accessory uses shall be permitted in residential districts:
 - (1) Swimming pools shall be located not less than 10 feet from any side or rear lot line. A walk space at least three feet wide shall be provided around pool walls, and a safety fence with self-closing gate at least four feet in height shall be installed. In the case of aboveground pools more than three feet in height above the yard surface, no fence is required. If the swimming pool is located within the side yard it must be fully screened from adjacent properties and streets.
 - (2) The office or studio of a physician or surgeon, dentist, artist, lawyer, architect, engineer, teacher, or person engaged in a home occupation as defined herein, provided that the individual concerned resides on the premises and that not more than 25% of the entire floor space on the lot shall be used for such purpose.
 - (3) A private detached garage not exceeding 1,200 square feet.
 - (4) The keeping of small animals, insects, reptiles, fish, or birds as pets or for household use and not as a business shall be permitted. The breeding, raising, or possessing of poultry or farm animals shall not be permitted in any district.
 - (5) Doghouse for up to five dogs.
- I. Restrictions in residential districts.
 - (1) The total number of accessory use structures shall not exceed two and the total square feet of said structures shall not exceed 50% of the square footage of the principal use or structure as shown in the records of the Maryland Department of Assessments and Taxation.

- (2) Recreational vehicles, trailers, and boats shall be regulated in the following manner:

- (a) Definitions. As used in this section, the following terms shall have the meanings indicated:

BOAT — A vessel for transport by water constructed to provide buoyancy by excluding water and shaped to give stability and permit propulsion.

RECREATIONAL VEHICLE (RV) — Any camping trailer, motor home, travel trailer, truck camper used primarily for recreational purpose, as well as vehicles including, but not limited to, all-terrain vehicles, boats, snowmobiles, watercraft, and other similar vehicles.

TRAILER — A wheeled unit attached and towed by a motorized vehicle, which is designed to carry property. A trailer cannot be motorized or self-operable.

- (b) Allowable uses. An owner or occupant of a residential structure may store a RV, trailer, or boat owned by the property owner or occupant on his/her property, provided that:

[1] If stored in the required front yard of the lot, the RV, trailer, or boat shall be parked on the driveway or driveway apron.

[2] The RV, trailer, or boat is operable and is currently registered in the home state of the owner or occupant of the property. All active military will be exempt from the home state requirement if proof of military identification is provided.

[3] A boat stored in a residential district shall not be longer than 25 feet in length, and a trailer or RV stored in a residential district shall not be longer than 40 feet in length.

[4] The RV, trailer, or boat stored on the property cannot exceed a height of 13 feet.

- (c) Exceptions.

[1] A kayak, canoe, and nontrailered boat less than 17 feet in length shall not be regulated under this chapter.

- (d) Street parking or storage of a recreational vehicle, boat, or trailer is not permitted on any street, except for a period not exceeding 48 consecutive hours for purposes of loading and unloading. A recreational vehicle, boat, or trailer may not be parked or stored in any fashion that would block any public right-of-way or sight lines of drivers, bicyclists, or pedestrians.

- (e) Any RV, boat, camper, or trailer stored on the property may not be utilized for storage unless the items are associated with the accessory use related to the RV, boat, camper, or trailer.
 - (f) No occupancy, either permanent or temporary, of an RV, boat, camper, or trailer shall be permitted.
- J. Accessory uses in business and industrial districts.
 - (1) The following accessory uses shall be permitted in the business and industrial districts:
 - (a) A dwelling unit, including an office trailer, for a caretaker or watchman shall be permitted, provided that:
 - [1] Not more than one dwelling is provided for security or protection of the principal use.
 - [2] The requirements for the dwelling unit shall not differ from those imposed by this chapter for a housing unit of the same or similar type as a principal permitted use.
 - (b) Accessory uses permitted in the residential districts as provided in Subsection H of this section.
 - (2) Business, industrial, and institutional accessory structures shall be subject to the same side and rear yards as required for the principal structure.
 - (3) Contractor's office and construction equipment sheds or accommodations for security shall be permitted if the use is incidental to a construction project. The office or shed shall be removed upon completion of the project.
- K. Transit Oriented Development District. Accessory uses or structures in TOD Districts shall be permitted and shall be subject to the same side yard and rear setbacks as required for the principal structure.

§ 235-28. Home occupations.

Home occupations or professional offices within the home shall be allowed in accordance with the following criteria:

- A. The home occupation must be incidental and subordinate to the residential use and shall not exceed 25% of the gross floor space of the principal building or dwelling unit.
- B. The home occupation shall be conducted within the dwelling unit, and no outdoor display or storage of materials, vehicles, goods, supplies or equipment used in the home occupation shall be permitted on the premises. No toxic, explosive, flammable, combustible or noxious materials shall be stored on the premises.

- C. The residential character of the dwelling unit shall not be altered to accommodate a home occupation.
- D. Not more than one person other than the occupants of the dwelling unit may be employed in the home occupation. The total of all employees inclusive of family members shall not exceed three. No home occupation shall be open to the public between 9:00 p.m. and 8:00 a.m.
- E. No home occupation shall generate greater traffic volumes or increased traffic hazards than would normally be expected in a residential district. No more than four people may avail themselves of the services provided by the home occupation at a given dwelling unit at any time.
- F. No goods, materials or supplies shall be delivered by commercial vehicles either to or from the premises in connection with the home occupation, except by the United States postal service or a delivery service with a vehicle no larger than a one-ton truck.
- G. No commercial vehicles in excess of 9,000 pounds gross vehicle weight or construction equipment related to the home occupation may be parked or stored on site or in the public right-of-way.
- H. A home occupation permit is required from the Department of Planning and Community Development.

§ 235-29. Temporary use permits.

Temporary uses as specified in the Table of Uses shall be permitted subject to the following:

- A. Permit. Temporary uses require the issuance of a temporary use permit for the use location which shall specify the use, dates, location, hours of operation and such other information as reasonably may be required by the Zoning Administrator.
- B. Duration. Unless otherwise specified in Subsection C, a temporary use may not exceed five consecutive days.
- C. Specific temporary uses. The temporary uses described below shall be subject to the following duration limitations:
 - (1) A carnival, circus, craft show, animal show, flea market, festival, fair or similar event shall be allowed for a maximum period of seven consecutive days and 15 cumulative days in a twelve-calendar-month period.
 - (2) Contractor's office and construction equipment sheds or accommodations for security incidental to a construction project shall be removed upon completion of the project.
 - (3) A real estate sales office for rental or sale of dwellings in a project shall be removed upon initial sale of all units.

- (4) When a fire or natural disaster has rendered a residence unfit for human habitation, the temporary use of a mobile home located on the lot during rehabilitation of the original residence or construction of a new residence is permitted for a period of 12 months, but only if water and sanitary facilities are approved by the City of Aberdeen's Department of Public Works. The Zoning Administrator may extend the permit an additional 60 days, if necessary. The mobile home shall be removed from the property at the expiration of the permitted time or upon completion of the new or rehabilitated residence, whichever occurs first.
 - (5) Temporary stands for seasonal sales of products shall be allowed for a maximum period of 90 days in any consecutive twelve-month period.
- D. Specific temporary use criteria. Each temporary use must comply with the following criteria:
- (1) Each application for a temporary use permit must be accompanied by a site plan, drawn to scale, that accurately demonstrates compliance with the requirements of this section.
 - (2) The proposed site shall be of sufficient size to accommodate the proposed temporary use and associated parking without adversely affecting adjacent land uses.
 - (3) The temporary use and all structures related to the use shall comply with all setbacks for the zone in which the use is located.
 - (4) No temporary structure, facilities or equipment for the use may be located closer than 250 feet from any residential district or existing dwelling, and no temporary use activity may take place more than 500 feet from a residential district.
 - (5) Temporary use operations adjacent to land used for residential purposes shall commence not earlier than 7:00 a.m. and cease not later than 11:00 p.m.
 - (6) Except for a temporary use in a residential district, vehicular access to the temporary use shall be derived only from an arterial or major collector road.
 - (7) A minimum of one parking space shall be provided for each 500 square feet of ground area at the activity.
 - (8) Any outdoor activity site for the temporary use shall be cleared of all litter and debris at the end of each day and at the end of the event, and cleared of all temporary structures within three days after the end of the event. A signed contract with a disposal firm shall be provided to ensure that the site will be cleared of all litter and debris.

- (9) The holder of the permit shall provide for adequate traffic and crowd control for the temporary use.
- (10) If the permit applicant or holder of the permit requests the City to provide extraordinary services or equipment or it is otherwise determined that extraordinary services or equipment should be provided to protect the public health, safety or welfare, the applicant or holder of the permit shall be required to reimburse the City for the cost of the services or equipment unless the City has anticipated the specific use in the budget and appropriated sufficient funds to cover the costs incurred.

§ 235-30. Landscaping, outdoor lighting and buffer yards.

A. General landscaping requirements.

- (1) A landscape plan is required for all nonresidential development projects. The landscape plan shall be reviewed and approved by the Department of Planning and Community Development and the Department of Public Works. The landscape plan shall:
 - (a) Include plant materials, such as trees, shrubs, ground covers, and perennials, and other materials, such as rocks, water, sculpture, art, walls, fences, paving materials, and street furniture.
 - (b) Specify the location, size, and species of plant materials, method of installation, and method for maintenance and retention of materials.
 - (c) Identify all streams, floodplain zones, and nontidal wetlands along with the preliminary site plan. The plan shall indicate all plans for tree maintenance, stormwater management, revegetation and establishment of vegetated buffers and the method of providing perpetual protection of any special flood hazard areas as required by Chapter 275, Floodplain Management, of the Code of the City of Aberdeen.
 - (d) Include street trees located outside of the public right-of-way wherever possible, emphasize the use of native vegetation, and incorporate sustainable development practices through the use of green roofs and associated sustainable planting practices wherever possible.
- (2) Any applicant seeking a modification to the approved landscape plan shall submit a written request to the Department of Planning and Community Development justifying the proposed change and a revised plan identifying the proposed modifications.

B. General planting requirements shall include the following:

- (1) All deciduous trees shall have a minimum caliper of two inches. The area between the trees shall be mulched and the landscaped beds with shrubs or ground cover shall be mulched in accordance with landscape industry standards.
- (2) Trees shall be of substantially uniform size and shape.
- (3) Evergreen trees used as screening plantings shall be a minimum of five feet in height.
- (4) All plant materials shall be healthy, vigorous, well-rooted and free of defects, decay, or disease infestations. All required plant materials shall be maintained by the property owner.
- (5) Within one year of planting, any dead or dying trees or plant materials shall be replaced one time by the applicant during the next planting season.

C. Specific landscape requirements for parking lots.

- (1) Ten percent of the required parking areas shall be landscaped.
- (2) Planting islands should be used to define circulation patterns and parking bays. They should also be used to soften large expanses of paving.
- (3) Landscaped islands should be distributed throughout the parking lot. In larger parking lots, fewer but larger islands may be used to provide greater visual relief and a healthier environment for tree growth.
- (4) Trees in or at the edge of parking lots should be species that branch no lower than 12 feet from the ground at maturity to allow cars and trucks to circulate beneath the canopy without causing damage.
- (5) Good visibility in parking lots is important for security and traffic safety. Plant materials at vehicular entrances should be located to maintain safe sight distances.
- (6) All service, dumpster, storage, and utility areas shall be screened.

D. Outdoor lighting requirements.

- (1) Outdoor lighting fixtures shall be installed in a manner that minimizes negative impacts from light pollution, including light trespass, glare, and urban sky glow, in order to preserve enjoyment of the night sky and minimize conflict caused by unnecessary illumination.
- (2) Regulation of outdoor lighting is also intended to promote lighting design that provides for public safety and conserves electrical energy.

- (3) All light fixtures, including security lighting, shall be aimed or shielded so that the direct illumination shall be confined to the property boundaries of the source. Particular care is to be taken to assure that the direct illumination does not fall onto or across any public or private street or road, except for:
 - (a) Residential entrance lights installed in accordance with the National Electrical Code and all subsequent amendments;
 - (b) Outdoor lighting fixtures less than 4,050 lumens, including landscape lighting and decorative lighting;
 - (c) Outdoor lighting installed to meet Federal Aviation Administration requirements;
 - (d) A designated historical structure;
 - (e) Lighting for all outdoor athletic fields, courts, tracks, or sports fields;
 - (f) Outdoor illuminated signs; and
 - (g) Maintenance to existing outdoor lighting when the following applies:
 - [1] The work does not involve the installation of a new light standard, a new lighting fixture, or new wiring;
 - [2] The work does not result in an increase in electrical load; and
 - [3] Where applicable, the spacing of existing previously conforming light standards is greater than six times the mounting height of the existing outdoor lighting.
- (4) Outdoor lighting shall not exceed a nominal 4000 Kelvin color-correlated temperature (CCT).
- (5) Searchlights, laser source lights, strobe or flashing lights, or any similar high-intensity light shall not be permitted, except in emergencies by police and fire personnel at their direction.
- (6) Lighting requirements for subdivisions and residential developments shall follow the requirements established by the Department of Public Works.

E. Buffer yard requirements.

- (1) Buffer yards shall be located on the boundary of a project which adjoins the use to be buffered and shall be in addition to the setback areas or yards otherwise provided in this chapter. The buffer yard area specified in this section may be part of the open space requirements.

- (2) Buffer yards may be used for passive recreation, including trails, bike paths, and picnic areas, but shall not be used for active recreation.
- (3) The following minimum buffer yard requirements shall be applicable to all districts:

Proposed District or Use	Adjacent District or Use	Buffer Yard Width (feet)
R-1 and R-2	R-3 (single-family dwellings)	10
R-1 and R-2	R-3 (multifamily dwellings)	20
Residential rear yard	Collector and arterial public roads	25
Active public recreation over 2 acres	Residential use	50
B-1 District	Residential (single-family dwellings)	20
B-1 District	Residential (multifamily dwellings)	15
B-2 District	Residential (single-family dwellings)	25
B-2 District	Residential (multifamily dwellings)	15
B-3 District	Residential (single-family dwellings)	50
B-3 District	Residential (multifamily dwellings)	35
M-1 District	Residential district	100
M-2 District	Residential district	100
Any use	Wetlands, nontidal	25
Any use	Edge of watercourse in floodplain	100

- (4) A buffer yard shall be landscaped to screen incompatible uses in accordance with any one of the following requirements:
- (a) A planting strip at least 10 feet wide at or near the property line, including trees or shrubs at least two feet high at the time of planting, which may be expected to form a year-round screen within three years.

- (b) A landscaped, rolling, earth mound of at least four feet in height.
- (c) A solid fence or wall of a minimum of five feet in height without advertising, when designed with durable materials, texture and colors compatible with adjacent uses.

ARTICLE V
Special Developments and Regulations

§ 235-31. Townhouses.

The following regulations shall apply to townhouses.

- A. The townhouse unit shall comply with the minimum lot requirements for the development of townhouses. Refer to Table I, Lot Area, Lot Width and Yard Requirements for Residential Zoning Districts.¹⁵
- B. Townhouses shall not be located on a site with a total area of less than 43,560 square feet (one acre).
- C. The minimum width of a townhouse unit shall be 24 feet for interior units and 28 feet for end units.
- D. The maximum height of a townhouse unit shall be three stories or 36 feet.
- E. Not fewer than four and not more than eight dwelling units shall be included in any one townhouse building grouping.
- F. Townhouse end units shall meet the front and side yard requirements.
- G. For the purpose of the side yard requirements, a townhouse building shall be considered as one building with side yards required for end units only in accordance with the townhouse requirements.
- H. No detached accessory building over 120 square feet shall be permitted. No attached accessory buildings shall be permitted.
- I. Front or rear garages that are an integral part of the townhouse construction shall be permitted and shall measure a minimum of 240 square feet in area.
- J. Required off-street parking shall be provided in the front or rear yard.
- K. A minimum of 20% of the gross land area to be developed as townhouses shall be used for open space purposes. Open space purposes shall include passive walking and biking trails and/or playgrounds.
- L. A minimum of 10% of each townhouse lot shall be landscaped. The landscaped area shall include a minimum of one tree at least 2.5 inches in caliper and four shrubs, and the yard areas shall be maintained in "green space" unless it is a driveway or designated parking area.
- M. The City's Department of Planning and Community Development and Department of Public Works shall approve the landscape plan for the overall townhouse development as part of the approval process.

15. Editor's Note: Table I is included in § 235-21.

- N. Townhouse development shall be of such quality construction and materials to ensure that buildings will neither look dated or worn over time nor require excessive maintenance. Fifty percent of the exterior building materials used on unit walls of a townhouse group facing the public street shall be of clay brick, sandstone, fieldstone, cultured stone, thin brick, or decorative concrete masonry block. Exterior building materials shall be compatible with material and colors of nearby structures. Window and door openings shall not be included in calculating the fifty-percent building materials requirement.
- O. Site plan approval shall be in accordance with the Subdivision Regulations.

§ 235-32. Zero lot line housing.

Zero lot line housing lawfully constructed prior to the enactment of this chapter will be permitted, and the following regulations will apply:

- A. Each zero lot line dwelling unit shall have off-street parking of two spaces.
- B. The City may impose conditions on its approval of zero lot line developments, including but not limited to configuration of streets, sidewalks, location of public improvements, reservation of open space and recreational areas.
- C. Decks or porches shall be permitted into the larger side yard, provided that a minimum of 12 feet from the extreme edge of the deck or porch to the closest side yard property line is maintained.
- D. Decks or porches shall be permitted by this chapter and shall not be enclosed on the side yard. Solid walls around the deck or porch are prohibited.
- E. No roof or canopy shall be constructed over a deck.
- F. Garages shall be permitted, provided that the structure does not exceed 25% of the principal structure.
- G. The following setbacks are established:

Zoning	Lot Area	Lot Width	Front Yard Depth	Rear Yard Depth	Side Yards	
					Smallest (feet)	Sum (feet)
	(square feet)	(feet)	(feet)	(feet)		
R-2	5,500	55	30	40	1.5	25
R-3	4,500	50	25	35	1.5	20

§ 235-33. Shopping centers and office, research or educational parks.

- A. Purpose. This district is to encourage innovation and design excellence in the development of shopping centers and office, research or educational parks.
- B. Requirements.
 - (1) A shopping center shall have the following eligibility requirements:
 - (a) A minimum parcel size of three acres;
 - (b) Six or more business uses; and
 - (c) Building gross floor areas of at least 20,000 square feet.
 - (2) An office, research or educational park shall have the following requirements:
 - (a) A minimum parcel size of 10 acres; and
 - (b) Building gross floor areas of at least 100,000 square feet.
- C. Development standards.
 - (1) Permitted uses. Those uses permitted in the zoning district in which the shopping center or office, research or educational park is located.
 - (2) Site design.
 - (a) The project shall provide a unified arrangement of buildings, service areas, parking and landscaped areas.
 - (b) The project shall be designed with regard to the topography and other natural features of the parcel.
 - (c) Materials, massing and facade design for the project shall be harmonious with the character of the neighborhood.
 - (d) Outside storage shall be limited as applicable in the appropriate district.
 - (e) No building shall be located within 40 feet of the public rights-of-way or within 10 feet of parking areas.
 - (f) No building shall be less than 30 feet from the parcel boundary or 50 feet from an adjacent residential district.
- D. Vehicular circulation and access.
 - (1) The internal circulation system shall be designed to minimize through traffic and traffic conflicts within the project.

- (2) Safe pedestrian movement and the provision of sidewalks shall be considered in the vehicular plan.

E. Loading and service areas.

- (1) All establishments must have vehicular service access either from an individual service drive or from a common service yard.
- (2) All such service areas must be segregated from public areas and screened from public view.
- (3) Loading berths must be provided for as required by this chapter.

F. Landscaping and outdoor lighting.

- (1) Ten percent of the required parking areas shall be landscaped.
- (2) Any lighting used to illuminate any off-street parking areas shall be so arranged as to direct the light away from adjoining residential properties and from any public rights-of-way. All light fixtures, including security lighting, shall be aimed or shielded so that the direct illumination shall be confined to the property boundaries of the source.
- (3) Adequate lighting shall be provided in outdoor areas often used by occupants after dark, including areas around walkways, steps, ramps, and signs.
- (4) Any part of the parcel not used for buildings or other structures or paved for parking or loading or pedestrian walks or utilized for outside storage shall be landscaped and properly maintained.
- (5) All parking lots, loading areas and outdoor storage areas shall be separated from any adjacent residential districts by a landscaped buffer yard as provided in § 235-30.

G. Approvals.

- (1) The Planning Commission shall determine whether the preliminary site plan submitted for the shopping center or office, research or educational park complies with the Subdivision Regulations, and the development and design standards set forth herein.
- (2) The Zoning Administrator may approve minor modifications or amendments to the preliminary site plan after Planning Commission approval upon a finding that the modifications or amendments comply with the requirements of this section.

§ 235-34. (Reserved)

§ 235-35. Condominiums and common area.

- A. Individual dwelling units of two-family, multifamily, and townhouse structures may be sold separately, if separate utilities are provided,

and provided that the structures otherwise conform to the district regulations and supplemental provisions.

- B. Ownership and maintenance of parking lots and courts, drive and walkways, recreational facilities and open space, or other areas dedicated to common use shall be established by covenants and agreements submitted to the City for approval.
- C. The final subdivision plat of any such development shall be accompanied by a detailed statement or proposal including covenants, agreements or other specific documents showing ownership, method of maintenance, and utilization of those areas reserved for common use by dwelling unit owners in the development. Provisions satisfactory to the Council and approved by the City shall be made to assure that the areas and facilities will be provided and maintained in a satisfactory manner without expense to the general public.

§ 235-36. Open space.

- A. Open space may contain such complementary structures or improvements as are necessary and appropriate for the use, benefit and enjoyment of residents of the development. Open space requirements may be met by including areas in wetlands.
- B. Open space area shall meet the following requirements:
 - (1) Open space areas shall be exclusive of parking lots and road rights-of-way/parking areas.
 - (2) Open space may serve recreational purposes and preserve significant site features. The uses authorized shall be appropriate to the purpose intended to be served. Open space designed to serve recreational purposes shall be appropriate to the scale and character of the development, considering its size, density, expected population, and the number and type of dwelling units proposed.
- C. Ownership of open space shall be handled in the following manner:
 - (1) If joint use facilities are not dedicated to public use, they shall be protected by legal arrangements, satisfactory to the Planning Commission, sufficient to assure their maintenance and preservation for whatever purpose they are intended. Homeowners' association agreements, covenants or other legal arrangements shall specify ownership of the open space, method of maintenance, maintenance taxes and insurance, compulsory membership and compulsory assessments provisions and guarantees that any association formed to own and maintain open space will not be dissolved without the consent of the Planning Commission.

- (2) Unless the Planning Commission finds that the size, location, type of development or cost of development or maintenance of such open space or the availability of public open space would make public use desirable and necessary, open space shall not be made available for the use of all residents of the City.
- (3) Management of open space property. The developer shall ensure that the open space and improvements not dedicated and accepted for public ownership are maintained and cared for, and the developer shall provide for and establish an organization for the ownership, maintenance and preservation of open space which shall conform to the following standards and procedures:
 - (a) The homeowners' association shall be established by the developer before sale or rental of dwelling units in the development and prior to final approval of the development plan by the Planning Commission.
 - (b) The financial and organizational structures, rules of membership, and methods of cost assessment of the organization shall be devised to ensure the successful fulfillment of the maintenance, preservation and improvement responsibilities of the organization.
 - (c) The homeowners' organization responsible for maintenance, preservation and improvement of open space and all property owners within the development shall be permitted to participate in such organization.
- (4) Areas set aside to meet the open space requirement shall be adequately described. Deed restrictions or covenants approved by the City shall ensure the purpose for which the open space is provided.

D. The following percentages of open space are required:

District	Minimum Open Space (percent of parcel area)
R-1	10%
R-2	10%
R-3 (single-family attached and detached)	15%
R-3 (all other dwelling types)	20%

§ 235-37. Nonconforming lots, buildings, structures and uses.

- A. Generally. If within the zoning districts established by this chapter or amendments subsequently adopted there exist lots, buildings, structures or uses of land which were lawful prior to enactment of

this chapter or subsequent amendments and which would not conform to regulations and restrictions under the terms of this chapter or amendments thereto, or which could not be built or used under this chapter, such nonconformities may continue to exist subject to the regulations contained in this section. Notwithstanding anything else in this § 235-37, after the effective date of § 235-18O, all new development, redevelopment, construction or reconstruction of a building, structure or land located in the TOD Neighborhood (T4), TOD Corridor (T5), TOD Downtown (T6), or Special District shall comply with the requirements in § 235-18O.

B. Nonconforming lots.

- (1) In any district a principal use, where permitted, may be erected on any nonconforming lot, provided that the front, side and rear yards shall conform to the regulations applicable at the time the final approved plat was recorded unless otherwise specified.
- (2) Any lot reduced in area or yard dimensions failing to conform to the requirements of this chapter by reason of realignment or dedication of any public road or by reason of a condemnation proceeding shall be a nonconforming lot. This provision shall not apply to roads created as part of subdivision.

C. Nonconforming buildings, structures or uses. Nonconforming buildings, structures or uses may be continued subject to the following provisions:

- (1) No nonconforming use shall be changed to a use not permitted by this chapter in the particular district in which the building or structure is located, except that whenever a nonconforming use has been changed to a more restricted use, such use shall not thereafter revert to a less restricted use.
- (2) Abandonment. If a nonconforming use ceases for a period of one year or more, then the nonconforming use shall be deemed abandoned and compliance with this chapter shall be required. The casual, temporary or illegal use of land or structure does not establish the existence of a nonconforming use.
- (3) Any nonconforming building or structure which is damaged or destroyed may be reconstructed to its former dimensions on the same lot and with the same nonconforming use. The nonconforming building or structure must be reconstructed in compliance with the Building, Electrical, Mechanical, and Plumbing Code requirements in effect. Nothing in these regulations shall prevent the strengthening or restoring to a safe condition of any building or structure declared to be unsafe.

D. Enlargement or extension of nonconforming buildings, structures or uses. The Board of Appeals may authorize the extension or enlargement

of a nonconforming use, building or structure, with or without conditions, provided that:

- (1) The enlargement or extension does not exceed 50% of the gross square footage in use at the time of the creation of the nonconformity.
- (2) The enlargement or extension does not violate the height or coverage regulations for the district.
- (3) The enlargement or extension would not adversely affect adjacent properties, traffic patterns or the surrounding neighborhood.
- (4) The Board of Appeals and Planning Commission shall consider the limitations, guides and standards set forth in this chapter.

§ 235-38. Mobile home parks.

Mobile home parks may be approved as a special exception in an R-3 District, provided that the following minimum conditions are met:

- A. Public water and sewerage shall serve the property and proper provisions shall be made for electrical connections, fire protection, and refuse collection. The Maryland State Department of Health and Mental Hygiene shall approve water and sewer systems.
- B. The minimum total area of the park shall be five acres.
- C. The minimum width or depth of the park shall not be less than 500 feet.
- D. The topography of the site shall be such as to facilitate proper drainage, and adequate stormwater facilities shall be provided.
- E. The minimum area for each mobile home site shall be 4,000 square feet.
- F. No lot width shall be less than 35 feet.
- G. Not less than 15% of the total area of a mobile home park shall be devoted to communal open space and recreational areas.
- H. Access to the park shall be from a major thoroughfare. The number and location of access drives shall be controlled for traffic safety and protection of surrounding properties, provided that at least two entrances are available to assure access for emergency vehicles.
- I. No mobile home site shall be designed for access to a street outside the boundaries of the park.
- J. Interior access drives shall be hard surfaces, adequately lighted, and not less than 30 feet in width.
- K. Mobile home parks shall be surrounded by landscaped buffer strips, not comprising any mobile home site, measuring not less than 15 feet in depth on sides and rear and not less than 50 feet in depth along the

front. The interior 30 feet of the front buffer may be used for street right-of-way.

- L. No mobile home unit shall be positioned closer than 25 feet to any other unit or service building.
- M. Off-street parking of two spaces per mobile home site shall be provided in accordance with the parking requirements.
- N. Storage buildings shall be located in the rear yard, no closer than six feet to any lot line.

§ 235-39. Bed-and-breakfast inns.

The purpose is to authorize and regulate the establishment and operation of bed-and-breakfasts in the City and to ensure the preservation of the character, integrity and property values of surrounding areas within which such facilities are located and maintained.

- A. All bed-and-breakfasts shall comply with the applicable provisions of the Life Safety Code and other applicable City codes, such as noise, property maintenance and environmental control.¹⁶
- B. The Bed-and-Breakfast Overlay District shall be established along West Bel Air Avenue from Mt. Royal Avenue to Middeltown Road.
- C. Bed-and-breakfasts shall be permitted in the Bed-and-Breakfast Overlay District, provided that the conditions set forth below are met. Bed-and-breakfasts shall be prohibited in B-3, M-1 and M-2 Districts.
- D. The applicant must provide the following information to the Director of Planning and Community Development and the Planning Commission:
 - (1) A sketch, drawn to scale, showing the floor plan of the dwelling, together with any proposed changes, renovations or additions to the same.
 - (2) A site plan delineating that portion of the applicant's property under consideration, as well as all parcels and streets within 100 feet of the applicant's property, and the current uses thereof.
 - (3) The site plan shall include the boundaries of the property, location of all buildings, driveways, parking areas, retaining walls, fences and hedges, location of the proposed sign and outdoor lighting, and location of proposed buffer and screening areas.
 - (4) The number of off-street parking spaces provided on site.
 - (5) Names and addresses of all abutting property owners.
- E. The Planning Commission shall consider the following:

16. Editor's Note: See Ch. 250, Environmental Control.

- (1) Adequacy and arrangement of vehicle traffic and circulation.
 - (2) Location, arrangement, appearance and sufficiency of off-street parking.
 - (3) Location, arrangement, size and design of lighting and signs.
 - (4) Adequacy, type and arrangement of trees, shrubs, fences and other landscaping or improvement constituting a visual or noise deterring buffer between the site and adjacent or adjoining uses.
- F. Requirements for approval of bed-and-breakfast.
- (1) The owner of the bed-and-breakfast must reside in and continue to reside in the dwelling as his or her principal residence.
 - (2) The parcel improved by the bed-and-breakfast shall provide or establish off-street parking spaces for the members of the owner's family residing in the dwelling unit as well as one parking space per room or unit which is rented.
 - (3) Each bed-and-breakfast shall be established, maintained and operated so as to preserve and complement the residential character and integrity of the surrounding area where the facility is established in a residential district.
 - (4) The number of paying guests accommodated per night shall not exceed local fire code requirements. No guest shall stay for a period of time in excess of 20 consecutive days or more than 30 days throughout a one-year period.
 - (5) Each bedroom occupied by a paying guest shall be equipped with a properly installed and functioning smoke detector on or near the ceiling in the room or hallway from which each bedroom exits.
- G. The Director of Planning and Community Development or a designee of the City shall be given access upon notification to the dwelling as he deems necessary from time to time for the purpose of making inspections to ensure compliance with all federal, state and local codes, rules and regulations.
- H. A single exterior sign may be established on the site of the bed-and-breakfast. Said sign or display shall not exceed approximately six square feet in area. No freestanding sign shall be located less than 15 feet from the front property line nor less than five feet from the side property lines. Said sign shall be unobtrusive and illuminated to prevent glare.
- I. The bed-and-breakfast shall be maintained and operated at all times so as to comply with all federal, state and local fire prevention, health and safety, building and zoning codes and the rules and regulations promulgated hereunder, as amended.

- J. Any change, deviation, modification or variation of the structure must be approved by the Director of Planning and Community Development and the Aberdeen Planning Commission.
- K. The minimum lot size requirement shall be 15,000 square feet.
- L. The minimum house size shall be 2,500 square feet excluding the basement.
- M. Banquets and receptions shall be permitted, provided that the bed-and-breakfast owner provides adequate parking for the special event.
- N. If the bed-and-breakfast use ceases, then the use shall revert to its former use.
- O. Multiple dwellings on the same lot shall be considered as one use.

§ 235-39.1. Fortune-telling.

Fortune-telling may be approved as a special exception in an M-1 District, provided that the following minimum conditions are met:

- A. Off-street parking is required for the business at the ratio of one parking space for 200 square feet of gross floor area, plus one parking space per each employee.
- B. The use shall not be located closer than 1,000 feet from any school property line.
- C. The use shall not be located within 1,000 feet of an existing fortune-telling establishment, church, or place of worship.
- D. The Board of Appeals may impose such conditions, limitations, and restrictions as necessary to preserve harmony with adjacent uses, the purposes of this section and the public health, safety, and welfare.
- E. Such conditions and restrictions may include, but are not limited to the following:
 - (1) Manner and times of operation;
 - (2) Signage.

§ 235-40. Overlay district regulations and design requirements; Architectural Review Committee.

- A. General purpose.
 - (1) The purpose and intent of this section is to provide design requirements that promote a positive aesthetic appearance; maintain the character and small-town atmosphere of downtown; and ensure a harmonious blending of old and new architectural, structural, landscape, and lighting features.

- (2) The design requirements of this section are intended for use in making consistent and fair decisions based on defined standards when construction or renovation of buildings is to be undertaken within the overlay districts of the City of Aberdeen.
- (3) All development, redevelopment, or additions to existing buildings within the overlay districts shall be subject to the requirements of this section.

B. Architectural Review Committee.

- (1) There is an Architectural Review Committee (ARC) that consists of five members appointed by the Mayor and City Council. The ARC shall consist of at least two members who are registered architects or landscape architects, one member chosen from the citizenry of the City of Aberdeen at-large, one member from the Aberdeen business community, and one member with experience in planning and zoning. In the event the Mayor and City Council cannot find one or more qualified individuals to appoint as members meeting these criteria, the Council may appoint such members as close as possible to meeting the criteria. A majority of members constitute a quorum, but no approval actions shall be finalized without the favorable votes of at least three members of the Committee.
- (2) Powers and duties of the ARC. The Committee shall:
 - (a) Review all applications for development, redevelopment, renovations, or additions to existing buildings within the overlay districts.
 - (b) Determine whether or not an application and the proposed construction are in accordance with the overlay district regulations and design requirements.
- (3) General procedures.
 - (a) An application for new construction, development, redevelopment, and renovation within any overlay district, including lighting and landscaping plans, shall be submitted to the Director of Planning and Community Development for initial review and before application for consideration by the Planning Commission.
 - (b) The Director of Planning and Community Development shall refer the proposal to the ARC for its consideration. The ARC shall make recommendations in accordance with the design requirements contained in this section and shall issue such recommendations to the Director within 30 days after all information is received for its review.
 - (c) The ARC shall be responsible for reviewing the proposal based on the characteristics and specific factors within the overlay

districts that may not be part of the preliminary site plan review.

- (d) After review by the ARC, the Director shall submit the proposal to the Planning Commission with the recommendations of the ARC.
 - (e) If the ARC fails either to approve or disapprove plans and proposals within 30 days after the Director refers the proposal to the ARC, the plans and proposals shall be deemed approved.
 - (f) ARC review and approval shall not be deemed to satisfy the requirements of any applicable building, health, or safety codes.
 - (g) The City shall issue no building permit unless the provisions for ARC review as contained in this section have been met.
- (4) Items for review. The ARC shall review the following:
- (a) The general scope of the plan and its compatibility with existing or proposed design themes.
 - (b) The conformity of the proposed project with the overall purpose of the design requirements.
 - (c) That signage is consistent with the purpose of the overlay design requirements and conforms to the type, location, and size of signs required therein.
 - (d) That proposed landscaping conforms to the overlay design requirements regarding, but not limited to, trees, plantings, and other amenities.
 - (e) Facades of the proposed buildings or renovations and their orientation to the existing buildings.
 - (f) Color scheme in relation to adjacent buildings and structures, and the overall aesthetic of the overlay district.
 - (g) That parking and multi-modal circulation conforms to design recommendations and function.
- (5) Variances.
- (a) Circumstances such as (but not limited to) topography, location of property lines, environmental features, or other matters may authorize the ARC, by an affirmative vote of at least three of its members, to allow a reasonable variance to any of the design requirements.
 - (b) The ARC shall develop a design review standard to govern its actions in respect to granting any variances. The design review standard shall be maintained in a documentary form

and shall detail each variance granted and the reasons for granting same.

- (c) This variance procedure shall be limited to those areas under the direct purview of the ARC and shall not serve as a substitute for decisions under the jurisdiction of the Aberdeen Board of Appeals.

(6) Records.

- (a) The ARC shall keep a record of all applications submitted, approved, or disapproved, and written minutes of its meetings, outlining all actions taken by it under the provisions of this section.
- (b) ARC records shall be maintained in the master file for each project.

C. Overlay district regulations.

- (1) Establishment of overlay districts imposes additional regulations on properties located within the boundaries of a given district, in order to enhance the quality of growth and development, and to protect the value of public and private investment. Overlay district requirements are in addition to those imposed by the specific zoning district in which the properties are located. In the case of a conflict among regulations, the strictest standard shall apply.
- (2) The boundaries of each overlay district are described below and are indicated on the Official Overlay District Maps for each district as adopted by ordinance. The districts shall be known as the I-95 Overlay District, the Downtown Revitalization Overlay District, and the Route 40 Corridor Overlay District.
 - (a) I-95 Overlay District boundaries encompass the properties bordering Maryland Route 22 (Churchville Road), Technology Drive, Long Drive, and Interstate 95 (I-95) located within the Aberdeen corporate limits.
 - (b) The Downtown Revitalization Overlay District boundaries are described as the properties bordering US 40, Route 7, and Route 715. The Downtown Revitalization Overlay District boundaries do not include properties located in the Transit Oriented Development District. All properties located in the TOD Neighborhood (T4), TOD Corridor (T5), TOD Downtown (T6), or Special District are subject to the requirements in § 235-18O and depicted on the Aberdeen TOD Designated Area Map included in § 235-42.
 - (c) Route 40 Corridor Overlay District boundaries are described as the properties along US 40 from Route 7 to the Route 22 overpass.

- (3) Design requirements. All development within the I-95, Downtown Revitalization, and Route 40 Corridor Overlay Districts shall comply with the provisions set forth in this section.

D. Overlay design requirements.

- (1) Overlay design requirements are intended for consistency of development in the following areas:
 - (a) Building design, height and mass.
 - (b) Building setbacks.
 - (c) Building materials.
 - (d) Awnings and canopies.
 - (e) Parking.
 - (f) Pedestrian/bicycle circulation.
 - (g) Lighting.
 - (h) Landscaping.
 - (i) Screening/loading/storage.
 - (j) Signage.
 - (k) Security.
 - (l) Open space.
 - (m) Noise impact.
- (2) Building design, height and mass.
 - (a) Scale and design. Within the Downtown District, buildings shall be built on a human scale and lend an intimate and personal feel to the streetscape. The scale of a project should be compatible with adjacent buildings and development.
 - (b) Architectural features. Predominant primary architectural features, materials, and colors of existing buildings, especially those built in accordance with these design requirements, shall be incorporated into the proposed architectural design. Building additions shall be compatible in scale, materials, and character to the main building.
 - (c) Relief and rhythm. Relief and rhythm should be used in the design to provide interest and variety and avoid monotony.
 - (d) Exterior walls. Horizontal and vertical elements of exterior walls should vary in height and projection to provide substantial architectural interest and style. Such interest and

style may be provided through, but not limited to, the treatment of windows, doors, eaves, rooflines and parapets.

- (e) Building accents. Building trim, accents, color, materials and style should be incorporated into primary design themes to promote architectural visual interest.
- (f) Exterior elevations. Exterior elevations of buildings should be integrated into the architectural style of the particular overlay district.
- (g) Details. Detailing should be used as a method of enhancing the character of a building, thereby adding interest to the development. Such details of a building elevation should continue the character of the project.
- (h) Equipment. Equipment, such as, but not limited to, roof-mounted communications and mechanical equipment and venting, shall be screened from street view.
- (i) Enclosures. Fences, walls, patio enclosures, and other such features visible from the street shall be compatible with the architectural character of the project. Dumpsters shall be enclosed or screened in such a way as to keep them from view, with use of similar building materials as those used in the overall project. Natural vegetation may be used as long as this achieves the proper level of screening.
- (j) Entryways. Building entryway design and placement should be integrated with the design of the project through the use of similar building materials, details, shapes, colors or other architectural features.
 - [1] The building entrance should be easily identifiable and form a transition between outside and inside areas.
 - [2] Building entries should be provided with adequate lighting for security.
- (k) Roof variations. Roofline variations should be used to provide architectural style, character, and/or interest for commercial or industrial buildings that are limited in wall configuration (such as long, straight walls) due to functional constraints.
- (l) Window and door placement. Patterns created by window and door placement can add variety and interest to the design. Attractive views should be emphasized and noncomplementary views avoided. Every effort should be made to have drive-through windows not face a public street. Where this is not practical or possible, additional landscaping or other screening methods shall be used.

- (m) Walls and landscaped buffers. Walls and landscaped buffers shall be used to provide a physical separation between different projects and uses to minimize the impact of unattractive or noisy areas and to act as a buffer between properties. Walls that front on a public street shall be designed to include colors, materials, forms, and architectural accents compatible with the main building or streetscape.
- (3) Building setbacks.
 - (a) Setback. The building setback shall adhere to the setback of the zoning district in which it is located.
 - (b) Infill sites. For infill sites, buildings should be set back from the street in accordance with the predominant line of building setback along the street, so as to create a defined streetscape and sense of place. Buildings should be oriented toward the fronting street(s) wherever and whenever practical. Provisions for public open space and/or landscaped areas shall be accommodated.
- (4) Building materials.
 - (a) Materials. The building materials of a project shall be durable and be the same or higher quality as surrounding developments.
 - (b) Texture. The texture of the building components shall enhance the function or appearance of the design.
 - (c) Color schemes. Color schemes shall be compatible with adjacent developments.
 - (d) Details. Details of the proposed colors and materials shall be shown on the building plans with color samples at the time the project is submitted for ARC review.
 - (e) Surfaces. Reflective surfaces shall not be used in locations which may produce excessive reflections or glare.
- (5) Awnings and canopies.
 - (a) Use of awnings and canopies as design features to the front or rear of building windows and doorways is required and shall be installed in compliance with all applicable building, fire, and safety codes.
 - (b) The specific location of awnings and canopies, their color, applied signage, and materials used shall be subject to the approval of the ARC.
- (6) Parking/shared parking.

- (a) For sites or developments that include significant amounts of parking, site design should avoid large uninterrupted expanses of asphalt from the fronting streets so that vast amounts of surface parking do not dominate the view(s) from the fronting street(s) to the site's primary buildings.
- (b) In keeping with the desire to avoid large areas of parking from the fronting street(s), parking should be broken up with landscaping and pedestrian walkways, with the majority of parking directed to the rear and sides of the buildings or site. Single large parking lots should be avoided.
- (c) Parking lots that face a street or alley shall be buffered or screened from the street by a low fence, wall, hedge, or vegetated buffer. If a parking lot fronts on an arterial or major collector and is of such a size that it dominates views from the fronting arterial/collector and detracts from the overall streetscape and community appearance, then it is required that the parking lot be screened or buffered from view along the fronting roadway(s).
- (d) Landscaping. Parking aisles shall be separated from one another by planted medians with trees or other landscaping features.
- (e) All parking lots shall have:
 - [1] Adequate pedestrian circulation system;
 - [2] Adequate turning radii;
 - [3] An efficient traffic movement pattern; and
 - [4] Integration of the parking with the character of the site and the proposed development.
- (f) Access drives to parking lots should be minimized.
- (g) On-site traffic lanes. Traffic aisles within a project shall provide a safe and convenient circulation pattern. Pedestrian movement and safety shall be incorporated into the project design.
- (h) Proximity to structures. Parking areas shall be conveniently located to provide ease of access to all users, with short-term customer parking provided close to the building.
- (i) Covered spaces and parking garages. Covered parking structures and garages shall have design features compatible with the overall character of the project.

- (j) Parking lot lighting. Lighting shall provide adequate illumination but also avoid direct illumination of adjacent residential districts.
- (7) Pedestrian/bicycle circulation.
- (a) Pedestrian facilities shall include, but not be limited to, sidewalks, handicap-accessible ramps, crosswalks, and pedestrian signals.
 - (b) Site designs should balance the access needs of pedestrian, vehicular, and bicycle traffic.
 - (c) A network of convenient and safe pedestrian paths shall be provided to connect areas within the project, as well as to connect the project to adjacent properties.
 - (d) Priority connections to bus stops, schools, parks, public facilities, and retailers should be provided.
 - (e) The location and number of access points to the site, the interior circulation pattern, and the separation between pedestrians and vehicles shall be designed to maximize safety and convenience and shall be harmonious with proposed and existing buildings.
 - (f) Walkways shall be well lit to provide visibility, security, and a pleasant environment.
 - (g) Sidewalks shall be provided along the street frontage of the property in accordance with City standards.
 - (h) Pedestrian and bicycle crossings must be provided as necessary for pedestrian and cyclist safety, convenience, and to minimize automobile conflict.
- (8) Outdoor lighting.
- (a) Outdoor lighting shall provide security and visual interest with minimal impact on adjacent properties.
 - (b) Exterior lighting shall illuminate the building and its grounds for safety purposes, but in an aesthetic manner. Outdoor lighting shall be placed and screened to limit the emission of light beyond the development.
 - (c) Exterior lighting fixtures shall be appropriate to the building and its surroundings in terms of style, scale, and intensity of illumination. Wall-mounted light fixtures should not extend above the height of the wall to which they are mounted.
 - (d) The height of light fixtures, as well as their position and intensity, shall be subject to the approval of the ARC.

(9) Standards for landscape design and development.

(a) General requirements.

- [1] Landscaping must be installed as an integral feature of each project. Such landscaping includes finished grading, seeding, sodding, functional and decorative ground covers, shrubs, shade trees, flowering trees and evergreen trees.
- [2] The proposed landscape design concept must:
 - [a] Reinforce architectural design objectives, parking functions and pedestrian activities within the site.
 - [b] Buffer views of parking areas, service areas, dumpster areas, mechanical equipment, etc., with a combination of deciduous and evergreen trees and shrubs.
 - [c] Provide canopy trees along streets and parking aisles and within planting islands.
 - [d] Provide color, texture and visual interest.
- [3] All required landscaped areas must be planted with trees, shrubs and/or ground covers and use shredded hardwood mulch or bark.
- [4] The slope of any earth berm shall not exceed a vertical to horizontal ratio of 3:1 and shall be planted with a suitable ground cover to prevent soil erosion.
- [5] Signs or sidewalks may be located in required landscaped areas, in addition to plantings, as part of the landscape design.
- [6] Landscaped areas adjacent to vehicular activity shall be protected by a continuous concrete curb or similar permanent barrier.

(b) The landscape plan.

- [1] All landscape plans for development shall be prepared and sealed by a landscape architect registered in the State of Maryland or by any other registered or licensed professional who is authorized by the state to prepare landscape plans.
- [2] The landscape plan shall indicate location, general type and quality of any existing vegetation and methods for protection of existing vegetation during construction.
- [3] The landscape plan shall include location and identification of all proposed plants, as well as a plant

list that includes botanical and common name, quantity, spacing and size at time of planting.

- [4] The landscape plan shall include the location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures and fountains, street furniture, lighting and paved outdoor areas.

(c) Landscape standards.

- [1] Public right-of-way. A landscaped strip shall be provided on the property adjacent to all public rights-of-way.

- [a] Arterial street. A ten-foot-wide landscaped strip is required adjacent to and parallel to the frontage of an arterial street.

- [b] Nonarterial street. A ten-foot-wide landscaped strip is required adjacent and parallel to the frontage of a nonarterial street.

- [c] Landscaped strips adjacent to the public right-of-way should be designed to include ground covers and other plant materials compatible with low-maintenance and low-water-use standards.

- [d] One tree and three shrubs shall be planted in the landscaped strip for every 25 feet of street frontage.

- [2] Perimeter landscaping.

- [a] Landscaped areas are required adjacent to incompatible uses in accordance with § 235-30.

- [b] A variety of deciduous and evergreen trees and shrubs shall be used when providing required screening between adjacent properties.

- [3] Parking lots.

- [a] Parking aisles should be separated from one another by planted medians with major shade trees and low-growing shrubs.

- [b] Where the end of a parking space abuts a required landscaped area, the width of the landscaped area must be increased by five feet, or curb stops provided to prevent overhang of parked cars.

- [4] Stormwater management facilities.

- [a] Landscaping of stormwater management facilities shall be undertaken in accordance with the current Maryland Stormwater Design Manual.
 - [b] Stormwater management or retention areas must not detract from the quality of the overall landscape design. Large areas for water retention should be utilized as a landscape element whenever possible.
- (d) Planting requirements.
- [1] Minimum tree sizes at installation shall be as follows. In certain locations, such as entrances, corners and focal points, and for critical areas to be screened, larger trees or shrubs may be required.
 - [a] Deciduous canopy or shade trees: two-and-one-half-inch to three-inch caliper, 12 feet to 14 feet in height.
 - [b] Deciduous ornamental or flowering trees: two-inch to two-and-one-half-inch caliper, eight feet to 10 feet in height.
 - [c] Evergreen trees: seven feet to nine feet in height.
 - [2] Required shrubs shall have a minimum mature growth height of 24 inches. At least 50% of required shrubs shall be a minimum of five-gallon size upon installation. In no case shall any shrub be less than one-gallon size.
 - [3] Ground cover.
 - [a] Required ground cover may be two types:
 - [i] Vegetative ground cover consisting of living plant materials characterized by horizontal as well as vertical growth, generally not exceeding 18 inches in height.
 - [ii] Inert ground cover consisting of gravel, decomposed granite, crushed rock, bark chips, or other approved materials.
 - [b] Substitution due to seasonal planting problems or lack of plant availability may be made in accordance with the following:
 - [i] No reduction in the quantities of plant materials.
 - [ii] No significant change in size or location of plant materials.
 - [iii] New plant materials fall within the same general functional category of plants (shade trees,

ornamental trees, evergreens, etc.) as the plant materials being replaced.

- [iv] The proposed new plant materials are considered appropriate with respect to elements necessary for good survival, continued growth and reasonable maintenance.

(e) Plant standards and guarantee.

- [1] All material selected shall be equal to or better than the requirements of the American Standard for Nursery Stock, latest edition, as published by the American Association of Nurserymen. All material shall be nursery grown under the same climatic conditions as the location of this project for at least two years. Varieties shall be indigenous to this area, Zone 6.
- [2] All materials shall be planted according to the Landscape Specification Guidelines published by the Landscape Contractors Association, or its equivalent.
- [3] All plant materials shall be installed during the first planting season after completion of site work.
- [4] All plant material shall be guaranteed by the property owner or installer for the duration of one full growing season after final inspection and acceptance of the work. Plants shall be alive and in satisfactory growing condition at the end of the guarantee period.
- [5] The property owner and/or lessee shall maintain all landscape materials and landscaped areas in accordance with the approved plan.
- [6] All landscaping, buffering and screening shall be maintained in a healthy condition at all times. Dead or diseased plants shall be removed and replaced with new material by the owner within one growing season.

(10) Screening/loading storage.

- (a) Trash and refuse collection areas. Areas that generate noise and odors shall be located where they will not disturb the residents or patrons within the project or adjacent uses and shall not be the visual focal point of a driveway or parking area.
- (b) Loading and service bays. Landscaped areas, fencing and walls should be used to decrease noise levels. These areas should also be separated from customer parking where possible.

[1] Service and loading bays (such as, but not limited to, automotive, service, tire, etc.) shall be oriented away from existing residences.

[2] Loading and service bays must be screened from view.

(c) Pedestrian loading and unloading areas. Pedestrian dropoff locations shall be incorporated within the overall circulation patterns and should be convenient and safe for pedestrians.

(d) Emergency vehicle access. Access for emergency vehicles should be integrated into the design of the project. Signage and striping shall be compatible with the overall design.

(e) Outside storage. Outside storage areas, if permitted, shall be screened from street view and from adjacent residential, office, and commercial districts.

(11) Signage.

(a) Signs shall be in harmony with the style and character of the development and should be an integral design component of the building architecture, building materials, landscaping and overall site development.

(b) The following signs will be permitted:

[1] Attached signs. Attached signs should be integrated with the primary physical features of the building and should complement the building architecture.

[2] Letters. Signs should be composed of individual letters, such as channel letters, upgraded cabinet forms, or other durable material, and should be mounted so that the attachment device is not visible or discernible. Raceways or similar mounting platforms should be the same color as the surface upon which they are placed.

[3] Monument signs shall, where feasible and desirable, incorporate design features associated with the buildings or structures and should constitute an architectural component of the overall development.

(c) Monument signs shall be constructed with a base of metal or masonry construction. Sign cabinets and sign faces mounted atop a base or other fixture shall be boarded or background by the architectural features, materials, and embellishment of the entire sign.

(d) Sign copy shall not exceed a horizontal to vertical ratio of 2:1.

(e) Internally illuminated signs should provide an opaque background so that only the sign copy is illuminated, except

where the background is colored to mute the amount of illumination or where the background is integral to the design of a corporate image or registered trademark.

(12) Security.

- (a) Physical barriers, such as bollards, are permissible for security purposes.
- (b) Doorways and windows should be located to maximize surveillance of entryways, pathways, and parking lots.
- (c) Adequate outdoor lighting shall be provided throughout the development.
- (d) Landscaping shall not block surveillance measures or access and egress of safety vehicles and equipment.

(13) Noise impact.

- (a) Site design shall include provisions for limiting noise so as not to interfere with the use of adjacent property. The occupants of a development shall be protected from noise from both outside and within the site through screening, setbacks, and noise-reducing building materials.
- (b) Noise-generating equipment shall be located to minimize impact on adjacent residential uses.

ARTICLE VA
Sign Regulations

§ 235-40.1. General purpose.

The purpose of this article is to regulate all exterior signs so as to protect property values and the character of the various neighborhoods; to preserve and enhance natural scenic beauty; to protect public safety; and to promote the general welfare. This article is supplemental to specific signage requirements applicable within individual zoning and overlay districts.

§ 235-40.2. Definitions and interpretations.

For the purposes of this article, the following words and phrases have the meanings provided below. Words and phrases not specifically included below are defined elsewhere in this article or chapter or, if not defined elsewhere in this article or chapter, shall have their usual and commonplace definitions.

AWNING — Canvas or other similar material stretched on a frame and used to keep the sun or rain off a storefront, window, or doorway.

BANNER SIGN — Any sign made of fabric or any nonrigid material that is mounted to a pole or a building by a permanent frame at one or more edges. National flags, state, county, or municipal flags, or the official flag of any institution or business shall not be considered banners.

BEACON — Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move. For purposes of this chapter, a searchlight is considered a beacon.

BILLBOARD SIGN — Any freestanding outdoor advertising sign that promotes or advertises products, services, activities, or businesses not related to the site or building or use on which it is located.

BOARD — The Aberdeen Board of Appeals.

BUILDING MARKER SIGN — Any sign indicating the name of a building, date of the building, and incidental information about its construction, which is cut into a masonry surface or on a bronze tablet or other permanent material; or a canopy sign that identifies the name or location of a building.

CANOPY SIGN — Any sign that is a part of or attached to an awning or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. For purposes of this article, a marquee is not a canopy.

CHANGEABLE COPY SIGN — A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged by hand without altering the face or the surface of the sign. This definition does not apply to portable signs.

DIRECTORY SIGN — A sign utilized to identify the name, address, and/or occupants of a building or nonresidential development.

DISTRICT — A zoning district.

ELECTRONIC MESSAGE SIGN — A sign with a fixed or changing display that uses movement or change of illumination to depict action or create a special effect or scene.

ENTRANCE SIGN — A sign that identifies a residential neighborhood or subdivision, located at the entrance to that neighborhood or subdivision.

ERECT — The act of building, constructing, attaching, hanging, placing, suspending, or affixing, and including the painting of wall signs, but not including the changing of advertising copy or messages on billboards and other advertising structures which are designed for replaceable copy.

FACE — The surface of the sign upon, against, or through which a message is displayed or illustrated.

FLAG — Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, institution, business, or other entity.

FREESTANDING SIGN — Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure. For purposes of this article, a monument sign is not a freestanding sign.

ILLUMINATED SIGN — Any sign which has characters, letters, figures, designs, or outline lighted in any manner.

INCIDENTAL SIGN — A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located.

MAINTENANCE — The painting, repainting, cleaning and other repair of a sign or structural trim. For purposes of this article, a message change is not considered maintenance.

MARQUEE — Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

MARQUEE SIGN — Any sign attached to, in any manner, or made a part of a marquee.

MONUMENT SIGN — A permanent ground sign generally constructed out of brick, stone, or cast concrete material supported on a concrete foundation across the entire base of the structure and which may have an open space between the bottom of the sign and the ground that does not exceed one foot.

NONCONFORMING SIGN — Any sign that does not conform to the requirements of this article, or any amendment to this article, but which was lawful when this article or any amendment to this article became effective.

PARAPET — The extension of a false front or wall above a roofline.

PENNANT — Any lightweight plastic, fabric, or other material, suspended from a rope, wire or string, usually in a series, designed to move in the wind.

POLITICAL CAMPAIGN SIGN — A sign that announces candidates seeking public office, or that advocates support or defeat of public issues.

PORTABLE SIGN — Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached or painted on vehicles parked and visible from the public right-of-way.

PRINCIPAL BUILDING — The building in which is conducted the principal use of the lot on which it is located. Storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

PRIVATE TRAFFIC CONTROL SIGN — A sign directing traffic movement onto and/or within a property.

PROJECT DEVELOPMENT SIGNS — Temporary signs for undeveloped parcels offering the sale or lease of the property.

PROJECTING SIGN — Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

PUBLIC SIGNS — Signs erected by or on the order of a public official in the performance of duty, such as legal notices, directional signs, regulatory signs, warning signs, informational signs, or decorative banners.

REAL ESTATE SIGNS — Signs indicating real estate for sale or lease and located on the subject property or tract.

ROOF SIGN — Any sign erected and constructed entirely on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

ROOF SIGN, INTEGRAL — Any sign erected or constructed as an integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

SIGN — Any device, fixture, placard, or structure (including a banner and pennant) that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

SIGN AREA — The surfaces, including the outer extremities of all letters, figures, characters, and delineations, or surface making contact with the outer framework or background of the sign, whichever is greater. Columns, pylons, or buildings, or part thereof, shall not be included in the sign area unless used for advertising purposes.

STREET FRONTAGE — The distance, for which a lot line adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

STREET SIGN — A sign that identifies a street.

STRUCTURE TRIM — Components of a sign structure, other than the sign face, including, but not limited to, the molding, battens, cappings, nailing strips, latticing, and platforms which are attached to the sign structure.

SUSPENDED SIGN — A hanging sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

TEMPORARY SIGN — Any sign that is not permanently mounted and for a period not exceeding 30 consecutive days or 60 days in any one-year period.

TRAFFIC CONTROL DEVICE — Markers, signs, and/or signal devices used to inform, guide, and control traffic, including pedestrians, motor vehicle drivers and bicyclists.

VEHICULAR SIGNS — Signs painted or mounted on vehicles.

WALL SIGN — A sign that is attached to the exterior wall of a building, projects not more than six inches from the wall, is confined within the limits of the wall, is supported by such wall or building, and displays only one sign surface. For purposes of this article, a sign painted on the surface of the wall is considered a wall sign.

WINDOW SIGN — Any sign, pictures, symbols, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

§ 235-40.3. Sign permits and fees.

- A. Permit requirements. A person may not erect, place, attach, sustain, alter, reconstruct, relocate, or modify any sign or other advertising structure without first obtaining a sign permit and making payment of the required fee. All illuminated or electronically operated signs shall, in addition, be subject to the provisions of the Harford County electrical code.
- B. Permit exception. If the panel of a sign is modified to reflect a change in the logo or ad copy of an existing business at the same location, a new permit is not required.
- C. Application. An application for a sign permit shall be filed with the Department of Planning and Community Development on a form prescribed by the Director of Planning and Community Development, to include such information and documentation as the Director may require to ensure that the proposed sign or advertising structure will comply with this article. This information includes, but may not be limited to, the name and address of the sign/property owner; name and address of the applicant; name and address of the sign erector;

drawings showing the copy, design, dimensions, heights, and location of the sign; and signature of the owner, tenant, or authorized agent.

- D. Fees. Fees for sign permits shall be as established and specified in the Code of the City of Aberdeen, Chapter A550, Fees.
- E. Nullification. A sign permit shall become null and void if the work for which the permit was issued has not been completed within 12 months after the date of final approval of the permit.
- F. Issuance and revocation. Provided the application is proper in form, is accompanied by all required information, and the applicable fee is paid, the Director of Planning and Community Development, or the Director's designee, shall approve the application and issue the permit within five business days. The Director of the Department of Planning and Community Development, or the Director's designee, may refuse to issue any permit or, after written notice and a reasonable opportunity to be heard, may revoke any permit issued upon failure to comply with any provisions of this article.

§ 235-40.4. Calculation of sign area.

- A. Double-faced signs. One face of a sign having obverse and reverse faces shall be considered in calculating the sign area. In the event that the area of faces is different, the face having the larger area shall determine the area of the sign.
- B. Multifaced or curved surface signs. The sign of a multifaced or curved surface sign shall be calculated from dimensions derived from its greatest plane projection.
- C. Irregularly shaped signs. The area of irregularly shaped signs shall be calculated by totaling the area of one or more rectangles completely enclosing the extremities of the sign.
- D. Cylindrical signs. The area of cylindrical signs shall be computed by multiplying $1/2$ of the circumference by the height of the sign.

§ 235-40.5. Structural requirements of signs.

All signs and supporting structures shall comply with the pertinent requirements of the International Building Code (IBC) as adopted by the City of Aberdeen.

§ 235-40.6. Miscellaneous provisions.

- A. No sign or sign structure shall create a safety hazard.
- B. No sign may be located so that it substantially interferes with the view necessary for pedestrians or motorists to proceed safely through intersections or to enter or exit public streets or private roads.

- C. No sign may be erected so that its location, color, size, shape, nature, or message would obstruct the view of or be confused with official traffic signs or other signs erected by government agencies.
- D. Freestanding signs.
 - (1) Freestanding signs shall be securely fastened to the ground.
 - (2) No commercial freestanding sign shall be placed within 50 feet of residentially zoned property.
 - (3) The height of any freestanding sign shall be no more than 25 feet above finished grade.
 - (4) Freestanding signs shall be set back $\frac{1}{3}$ of the required building setback distance for the underlying zoning district and out of any right-of-way or easement.
 - (5) A freestanding sign must be set back 10 feet from the City's public utilities, plus $\frac{1}{2}$ foot for every foot above 10 feet in height of the sign.
 - (6) Nonconforming freestanding signs in designated overlay districts may remain as long as the only changes are to the sign copy. In the event a freestanding sign in a designated overlay district is to be replaced, it must be replaced with a monument sign adhering to the requirements in this article.
 - (7) Freestanding signs are not permitted in any overlay district.
- E. A temporary sign should be placed on wooden stakes or on an A-frame type of placard and shall not be higher than three feet measured from the ground to the top of the sign.
- F. Monument signs.
 - (1) Monument signs, as defined in this chapter, are mandatory in all overlay districts.
 - (2) Monument signs shall be securely fastened to the ground.
 - (3) No commercial monument sign shall be placed within 50 feet of residentially zoned property.
 - (4) Monument signs shall be set back $\frac{1}{3}$ of the required building setback distance for the underlying zoning district and out of the right-of-way or easement.
 - (5) A monument sign shall not exceed eight feet in height above finished grade.
 - (6) No monument signs may be placed in a recorded public easement.
 - (7) A monument sign must be set back 10 feet from the City's utilities or two times the depth of the utility, whichever is greater.

- G. Signs that are not commercially produced will be prohibited in all zoning districts.
- H. Project development signs shall be set back at least 10 feet from the road right-of-way, shall not exceed 10 feet in height above the road grade, and shall not exceed the sizes as expressed in Table 3.¹⁷ Project development signs must be removed within 15 days after sale or lease of the last lot in the development.
- I. Vehicular signs on vehicles parked on a right-of-way are prohibited.
- J. Projecting signs shall be at least two feet away from the vertical street curbline or improved shoulder edge of the travel way and shall project no more than 42 inches from the wall. There shall be a clearance of at least eight feet from the top of the sidewalk to the bottom edge of the sign, or 14 feet for vehicle access.
- K. Real estate signs must be removed within seven calendar days of the transfer, lease, or removal from the market of the real property.
- L. Signs may be placed on four sides of a commercial or industrial building, except that a sign may not be placed on a side of a commercial or industrial building that faces a residential area.
- M. Entrance signs shall not exceed six feet in height above finished grade.
- N. An off-premises directory sign for general identification in support of an office park or similar project in the IBD Zoning District is permitted, provided that such a sign is within 2,000 feet of the property line of the office park or project. This type of sign shall be limited to a maximum of 12 feet in height above finished grade.
- O. Electronic message signs are permitted as an attachment to a structure or placement as a freestanding sign with the following requirements:
 - (1) The maximum area cannot exceed 50 square feet.
 - (2) Only one electronic message sign per business is permitted.
 - (3) Electronic message signs must be a minimum distance of 50 feet from any residentially zoned property.
 - (4) Animation, flashing, blinking characters, scrolling text, or continuous movement is permitted as long as it does not impede, confuse, or distract motorists or pedestrians.
 - (5) No sounds can be emitted from electronic message signs.

§ 235-40.7. General restrictions.

- A. Signs displaying any statements, words, characters, photographs, or illustrations that are obscene or that depict child pornography are

17. Editor's Note: Table 3 is included as an attachment to this chapter.

prohibited. As used in this subsection, the term "obscene" shall be construed in accordance with federal and state law and judicial precedents then applicable in Maryland.

- B. Signs of a size, location, movement, content, coloration, or manner of illumination that may be confused with or construed as a traffic control device, or that hide from view any permitted signs, or which distract or obstruct the view of road or pedestrian traffic in any direction at a road intersection shall be prohibited.
- C. Signs shall not be placed on or attached to City, county or state property, within a public right-of-way or easement, on utility poles, on any roadway sign and post, or on a traffic control device.
- D. A sign shall not be placed within 10 feet of the road right-of-way and shall be placed in such a manner so as not to impede vision.
- E. No sign shall obstruct a means of ingress or egress from a building or structure.
- F. Signs that produce noise or sounds, or emit smoke, vapor, particles, or odor are prohibited.
- G. Signs shall not be placed within rights-of-way or buffer yards between business or industrial uses and residential uses.

§ 235-40.8. Inspection, maintenance, and removal.

- A. Inspection. Signs may be inspected by the Director of the Department of Planning and Community Development or the Director's designee for compliance with this article.
- B. Maintenance. All signs, components, and supporting structures shall be kept in good repair, appearance, quality, and condition, and maintained to protect against breakage, material discoloration, and defects in or omission of material components.
- C. Removal.
 - (1) If any sign advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted at that location, that sign shall be considered abandoned and shall, within 90 days after such abandonment, be removed by the sign owner, owner of the property where the sign is located, or other party having control over such sign.
 - (2) If the message portion of a sign (other than a billboard sign) is removed, leaving only the supporting shell of the sign, the owner of the property where the sign is located, or other person having control over such sign, shall, within 30 days of the removal of the message portion of the sign, remove the remaining components of the structure.

§ 235-40.9. Unlawful cutting of trees or shrubs.

No person may increase or enhance the visibility of any sign by damaging, trimming, destroying, or removing any trees, shrubs, or other vegetation located within the right-of-way of any public street or road.

§ 235-40.10. Nonconforming signs.

- A. No person may enlarge or increase the size of a nonconforming sign.
- B. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this article.
- C. If a nonconforming sign is destroyed, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this article, and the remnants of the former sign structure shall be cleared from the land or building.
- D. The sign structure in place when a sign becomes nonconforming may not be modified, except to bring it into conformity with this article.

§ 235-40.11. Illumination.

- A. The light from any illuminated sign or from any light source, including the interior of a building, shall be so shaded, shielded, or directed that the light intensity or brightness shall not adversely affect surrounding or facing premises nor adversely affect the vision of motor vehicle operators.
- B. With the exception of electronic message signs, no sign shall have blinking or flashing lights or other illumination devices which have a changing light intensity, brightness or color.
- C. No exposed reflective-type bulbs and no strobe lights or incandescent lamps shall be used on the exterior surface of any sign so as to expose the face of the bulb, light, or lamp to any public street or adjacent property.
- D. Beacon lights or searchlights shall be temporarily permitted for advertising special events.

§ 235-40.12. Sign tables.

Permitted signs, number of signs allowed, and sign area for each sign in each zoning district shall be as set forth in the following tables at the end of this article:

- A. Table 1, Permitted Signs by Type and Zoning District.
- B. Table 2, Number of Signs per Recorded Lot or Business by Zoning District.

- C. Table 3, Sign Area for Each Sign on Recorded Lot or Business by Zoning District (in Square Feet).

§ 235-40.13. Appeals.

- A. A person aggrieved by the denial of an application for a sign permit, or by the revocation of a sign permit, may file an appeal to the Aberdeen Board of Appeals in accordance with the provisions of § 235-11 of this Code.
- B. Disapproval of sign locations as they relate to easements and public utilities are not subject to appeal or review by the Board of Appeals.

§ 235-40.14. Violations and penalties.

- A. Any person that violates the provisions of this article shall be deemed to have committed a municipal infraction as set forth in Chapter 95, Municipal Infractions, of this Code, and subject to the following actions:
- (1) Warning: A warning notice to correct the violation within 10 days from the date of the notice shall be mailed, by certified and regular mail, to the owner, occupant, or tenant.
 - (2) First offense: \$100.
 - (3) Second offense: \$250.
 - (4) Third offense: \$400.
 - (5) Each subsequent offense: \$400.
- B. Each day that a violation continues, and each repeat violation, is a separate offense.
- C. Notwithstanding the provisions herein for violations, the City may seek relief through injunction or other remedies as provided by law.

ARTICLE VI
Transitional Provisions

§ 235-41. Effect on pending or preexisting certificates, permits and regulations.

A. Approved or pending zoning certificates or building permits.

- (1) The requirements of this chapter or amendment to this chapter shall not apply to any building, structure or use established pursuant to a valid building permit issued prior to the effective date of this chapter or amendment to this chapter, provided that substantial construction under the permit has commenced within three months after issuance of the permit
- (2) The requirements of this chapter or amendment to this chapter shall not apply to any building, structure, or use proposed to be established pursuant to a valid building permit application pending as of the effective date of this chapter or amendment to this chapter, provided the permit application is approved and issued within 60 days after the effective date of this chapter or amendment to this chapter, and any development initiated pursuant to the issued permit commences within three months of the date of the issued permit. Failure to commence within the three-month period shall subject the permit to the provisions of this chapter or amendment to this chapter.

B. Approved and pending preliminary plats.

- (1) The requirements of this chapter and amendments to this chapter shall not apply to lots shown on a preliminary subdivision plat approved as of the effective date of this chapter or amendment to this chapter, provided that a final plat applicable to that parcel shall have been recorded in the land records of the county prior to the effective date of this chapter or amendment to this chapter or within 12 months after such effective date.
- (2) The requirements of this chapter shall not apply to lots shown on a preliminary subdivision plat pending approval as of the effective date of this chapter or amendment to this chapter, provided that the preliminary plat is approved by the Planning Commission within 60 days from the effective date of this chapter or amendment to this chapter and a final plat applicable to that parcel is recorded in the land records of the county within 12 months after the date of approval of the preliminary plat.

C. Board of Appeals approvals. The requirements of this chapter or amendment to this chapter shall not apply to any variance, special exception, or conditional use approved by a final decision of the Board pursuant to this chapter, any amendment to this chapter, or any predecessor to this chapter, except that any request for a change to the

prior approval shall be subject to this chapter or amendment to this chapter.

- D. Approved preliminary site plans, forest conservation plans, and landscaping and lighting plans. The requirements of this chapter or amendments to this chapter shall not apply to preliminary site plans, forest conservation plans, and landscaping and lighting plans approved prior to the effective date of this chapter or amendments to this chapter as long as such plans otherwise have not expired under the provisions of this chapter.
- E. Effect of declaration of invalidity. Should all or part of any comprehensive Zoning Map legislatively adopted on or after the effective date of this chapter be declared invalid, the zoning restrictions applicable to the district prior to the adoption shall thereafter apply to the property affected by such declaration of invalidity, pending further action by the Council.

ARTICLE VII

Transit Oriented Development Maps and Graphics**§ 235-42. Maps and graphics.**

The maps and graphics that are included as 235 Attachment 7 (attached to this chapter) are maps and graphics referred to in this chapter and applicable to development within the Transit Oriented Development District.